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ALL TERRAIN VEHICLES IN THE FOREST

A PROBLEM OR AN OPPORTUNITY

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ABSTRACT

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TITLE All Terrain Vehicles in the Forest - A Problem or an Opportunity

ABSTRACT This project develops some background information and possible management alternatives for the management of All-Terrain-Vehicles. Sales information indicates that the ATV users are a rapidly growing population of recreationists. The needs and desires of ATV users are quite similar to other recreational users. However, the new machines have substantially different requirements than other off-road-vehicles. The alternatives presented cover a wide range of management possibilities. A general evaluation of the alternatives is also presented.

Others Who Might Find This Report Useful

Recreation Staff Officers
District Rangers
Recreation Managers with ATV use

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CHAPTER ONE

INTRODUCTION AND STATEMENT OF PURPOSE

Introduction

National Forest Managers at all levels are called upon to balance the pressures of a complex group of demands placed on a fixed and sometimes fragile land base. These demands or facilities can, in some cases, be quite compatible such as swimming beaches and picnic areas or visitor centers and highly developed campgrounds or they can be at extreme ends of the spectrum as the search for solitude and a large scale recreation event. It is the management of the conflicting uses that obviously create the most problems for the manager, but it is also this same group of challenges that provide the most opportunities for success and a substantially higher sense of job satisfaction.

During the early 1970's, conflicts and other problems associated with the use of off-road vehicles on public lands were identified. In 1972 President Nixon issued Executive Order 11644 "The Use of Off Road Vehicles on Public Lands". In the order the President called for each Federal Land Management Agency to designate specific areas and trails on public land where the use of off road vehicles (ORV) may be permitted, and areas where they may not be permitted. Efforts by managers to respond to this order have been accompanied by intensive feelings on both sides. Frequently, the same management decisions are viewed by non-users to be pro ORV and are viewed by ORV users to be anti-ORV.

This dilema can best be resolved when managers base decisions on a thorough understanding of the needs of the users, the capability of the land and the opportunities that are available.

One specific area that is rapidly approaching a point where difficult management decisions will have to be made is the use of three wheeled and four wheeled All Terrain Vehicles (ATV's) on the National Forests. This new recreational activity will place added demands on not only the land but also the managers of those lands. As Dr. Rupert Cutler indicated in March of 1980 in a speech to an off road vehicle conference in Ann Arbor, Michigan. "The USDA general objective on all lands is to seek optimum use, including recreational use - recreational vehicle use where appropriate - within the bottom line of good stewardship". Applying this to the All Terrain Vehicle situation will require the manager or decision maker to have a general understanding of the needs and desires of the ATV user, the capabilities of the machines, the potential impacts on the land, the opportunities available and the existing policies and regulations that cover ATV use. This is nececcary so that logical, well thought-out decisions can be made which will provide opportunities where possible and still maintain good land stewardship.

Statement of Purpose

This paper is being developed to provide the Forest Supervisor on the Sequoia National Forest and the District Ranger on the Cannell Meadow Ranger District, some basic background information on All Terrain Vehicles, their uses, and some alternatives for management.

The report will provide information on the machines, the people who use them, anticipated future demand, and existing laws and policies as they relate to management of ATV's. In addition, the report will explore some possible management alternatives that are being applied in some areas or could possibly be applied to ATV management within the District.

A brief discussion of some of the advantages and disadvantages of each alternative is included. However, this report will not address in any detail the specific impacts caused by implementation of the alternatives on the physical environments involved. Instead, that discussion will be reserved for a more indepth analysis of alternative implementation that will no doubt follow.

Basic Assumptions

The first basic assumption that is being made in this report is that the use of ORV's on National Forest land is an acceptable use, although there are many places where ORV use may be inappropriate.

A second assumption is that recreation use whether it be backpacking in the wilderness or riding an ATV along a trail has many similiarities.

The last basic assumption is that ORV use including the ATV is here to stay and can be managed.

Cross country motorcycling was recognized by land managers rather recently in our time frame of management of public lands. In 1968, the Bureau of Land Management recognized the sport in a publication entitled "The Motorcycle and the Public Land" (Craig 1979). It summed up the situation as it was at that time. Many things have changed since then and they continue to change at a rapid pace.

It is important to remember that the first step to an objective dirtbike program is to recognize dirtbiking not as a three headed monster that is out to engulf the land - but as a relatively new form of recreation that must be addressed. Second and more important, we must use the same criteria when providing for all forms of outdoor recreation. These are environmental impacts, user groups conflicts and recreation requirements (Buffo 1979).

CHAPTER TWO

LITERATURE REVIEW

Literature and research dealing specifically with three wheeled ATV use is quite limited. Occasionally three wheeled ATV's are mentioned in conjunction with other use but little work has been done on ATV's alone. Many projects are being developed and started at this time and some valuable information will be forthcoming within the next year.

The Machine

Five basic types of motorcycles have been identified by the industry. The cycle types and designed uses include:

On Highway - Vehicles designed for traveling on paved or graded surfaces only. Design features severely limit travel capabilities on rough surfaces.

Dual Purpose - Machines designed for use primarily on paved roads but capable of use off highway, on trails, or cross country.

Off Highway - Vehicles designed to work best on rough surfaces. Use on highways is not legal. This type is further broken into two classes.

Enduro - Machines designed for use on trails and rough roads.

Cross Country - Machines designed for open country riding such as desert races and scrambles.

Competition - Motorcycles which were designed to be used under

controlled racing conditions only. These machines are highly specialized and are designed with a single purpose in mind - to be competitive under racing conditions.

Three Wheel (All Terrain Vehicles) - Vehicles which are distinctive due to their large balloon tires. ATV's are designed for both recreation and utility functions (Motorcycle Industry Council 1983).

This report is concerned with the last category, the three wheeled ATV. Many manufacturers are also beginning to produce four wheeled models. These will also be considered in this project.

Historically, there have always been a few three wheelers around but in the late 1960's one manufacturer began to seriously consider building a machine. The first commercial model was introduced in 1970, but it was viewed as a toy and was not taken seriously. Sales climbed slowly and in fact production was nearly discontinued in the mid 1970's. However, new models and improvements in the late 70's brought about a dramatic rise in sales and an increased awareness in the product. By 1980, as sales increased, other manufacturers began introducing their models (Motorcycle Industry Council 1983).

Now, with several manufacturers, there is a proliferation of models in various sizes, shapes, and designs. Another vehicle type that is rapidly gaining in popularity is the small four wheelers. Here again, the market is young but some people feel that the four wheeled ATV's may surpass the three wheelers in sales figures (Golde 1984).

Table 1. MOTORCYCLE TYPES AND USES

General Types

Used Areas	On-Highway	Dual Purpose	Off-Highway		Competition Only	3-Wheel (ATV)
			Enduro	Cross Country		
Paved Highways	Major	Major	Not Legal	Not Legal	Not Legal	Not Legal
Graded Roads	Minor	Major	Major	Not Likely	Not Likely*	Minor
Trails	Not Likely	Major	Major	Often	Often*	Often
Cross Country (Desert)	Not Likely	Often	Major	Major	Often	Major
Use Facilities (Parks)	Not Likely	Often	Major	Often	Major	Often
Closed-Course Competition	Not Likely	Not Likely	Minor	Often	Major	Minor
Utility (farm, ranch)	Not Likely	Often	Minor	Not Likely	Not Likely	Major

*Due to excessive noise, this use, although it exists, is not appropriate.

For the purposes of this chart, definitions of the descriptive words are as follows: MAJOR: Manufacturers intended use or commonly applied use, OFTEN: Common use (although not specifically what the motorcycle was intended for), MINOR: Infrequent use, NOT-LIKELY: Rare use (the motorcycle is definitely not intended for this use), NOT LEGAL: Unlawful use (design of the motorcycle precludes legal use in this area) (Motorcycle Industry Council 1983).

The variety of machines can best be summarized by use of a table. Table 2 presents machine specifications that are available for 1983 models.

TABLE 2 ATV SPECIFICATIONS

1983 MODELS

Model	Length	Width	Heigth	Wheel Base	Dry Weight
KLT 200	66.7"	40.4"	38.0"	44.3"	313 lb
KLT 250	71.7"	42.5"	40.9"	47.6"	342 lb
ATC 70	51.2"	31.5"	31.5"	35.2"	170 lb
ATC 110	64.2"	37.4"	37.0"	40.9"	242 lb
ATC 185S	67.7"	39.2"	38.6"	44.1"	269 lb
ATC 200	72.4"	42.5"	39.6"	47.0"	300 lb
ATC 200X	72.8"	41.3"	40.9"	47.6"	282 lb
ATC 250R	72.4"	42.3"	42.3"	49.6"	293 lb
ATC Big Red	72.8"	42.1"	39.6"	47.2"	341 lb
YT 125H	69.7"	39.2"	37.4"	44.1"	243 lb
YT 125J	69.7"	39.2"	37.4"	44.1"	262 lb
YT 175J	66.5"	39.2"	37.4"	44.5"	227 lb
YT 125K	69.7"	39.2"	37.4"	44.1"	262 lb
YT 175K	68.9"	39.2"	37.4"	44.5"	227 lb
YTM 200K	71.5"	39.0"	37.8"	44.1"	291 lb
ALT 50	43.3"	25.2"	26.8"	28.5"	90 lb
ALT 125	65.2"	37.4"	38.0"	41.4"	260 lb
LT 125	66.1"	37.4"	38.6"	41.4"	284 lb

It is obvious from the above chart that most of the machines currently built are less than 40" wide. Therefore, under existing regulations and definitions, most machines would be legal to use on National Forest trails designated for motorized use. In addition, many of the wider machines can be modified to reduce the width to less than 40". If the 40" limit does become the factor that is used to control ATV use, it is virtually a certainty that aftermarket products would become available to allow modification of most machines (Golde 1984).

Even though machines may fit within the 40" width limitation, using three wheelers on really tight trails is next to impossible (Motorcycle Industry Council 1983).

Operations of three wheelers are not the same as trailbikes. For example, most of the machines have no suspension systems and rely on the high flotation tires for suspension. Therefore, the vehicles tend to be much more unstable on rough terrain than two wheeled bikes. Cornering is another area where operation differs. With a two wheeled bike, the operator applies weight to the inside of a turn. With a three wheeler, weight is applied to the outside of the turn. While three wheeled ATV's may be similar to two wheeled off road motorcycles in many ways, it is their dissimilarities that result in those characteristics desired by some users. It is those same dissimilarities that may require special accomodation in off road vehicle planning and management (Motorcycle Industry Council 1983).

The User

It is not possible to describe a "standard" user because of the diversity of people involved in the sport. However, a few authors have looked at some of the similarities and differences between ORV users and other recreationists.

ORV users, when asked why they use specific areas, describe desired attributes that are similar to most recreationists. They identify the desire for scenic quality, opportunity for challenge, diversity of terrain and trails, opportunity to view wildlife, and the opportunity to experience nature (Calif. Dept. Parks & Rec. 1983 and Chilman 1973).

Users frequent areas where they feel they can meet their needs. Most of these decisions are based on information from friends and fellow riders, with newspapers and magazines running a distant second as a source of information (Chilman 1973).

Many critics of the ORV phenomenon tend to treat ORV users as part of a single recreation activity group. Observing ORV operators, however, suggests that there are really general sets of activities associated with ORV's. Each has it's own requirements for space, environmental setting, and social interaction (Nicholes 1982).

The ORV enthusiast can generally be categorized into four distinct experience classes:

1) The learning experience; which occurs when the person is learning to operate the vehicle.
2) The play experience or unstructured competition experience; which allows the individual to use the vehicle to produce a recreation activity.
3) Structured competition; which enables the individual to commit totally to the activity.
4) The individual who uses the ORV as a tool of transportation for other activities (Nicholes 1979).

Each of the above categories of users has different needs and desires. For example, the casual or play riders like trails that take them through the country and that are pleasant to the eye. They like the feeling of having gone somewhere without backtracking. They often want more challenge than a dirt road, but challenge is not the primary reason for riding.

On the other hand, the competitor tries to pit his body, machine, and smarts against a bunch of similarly inclined individuals. Asthetics are not important but the nature of the terrain is. In addition, the absence of conflicts with other users is appreciated (Bennett 1973).

Some of the above activities may be compatible with the forest environment while others may best be satisfied in different areas.

Specific information on ORV use shows that while motorcycle riders may ride 60 to 100 miles in a day (Nicholes 1979), the ideal motorcycle trail length is 33 miles with three wheelers having even shorter trail length needs (Calif. Dept. of Parks & Rec. 1983).

Motorcycle and ATV users generally stay closer to home for their recreational outings than other recreationists. Most (56%) camp in a vehicle such as a trailer, camper, or motorhome. At least 34% prefer to use unimproved campsites (Calif. Dept. Parks & Rec. 1983).

Off road motorcyclists and, in particular, ATV users tend to be quite family oriented (Chilman 1973, Sanderson 1983).

Over 34% of users responding to a magazine survey were 16 years of age or younger (Kirstin 1982). Other surveys have shown that up to 56% of the riders are married (Yamaha Marketing Survey 1983).

The large majority of ATV riders are male with estimates ranging from 84% to 97% of the users. Female riders generally favor the smaller machines (Kirstin 1982, Yamaha 1983).

Another trait of ATV users that make them somewhat difficult to reach as a group is their independence. They are usually not club members and do not attend meetings (Nicholes 1979).

Specific results of the user surveys are included in Appendix 4.

Demand Potential

From its humble beginning in 1970 to its current popularity in 1983 and on to its ultimate use levels in the future, the three wheeled ATV is a use to be reckoned with.

The recent three wheeler fad has been uncomfortably familiar. Once again, managers are seeing the influx of new recreational equipment. Sales and use of three wheelers have been increasing fast. Perhaps as fast as the growth of trailbikes and snowmobiles ten years ago when sales doubled every year (Sanderson 1983). ATV use in the California desert has grown tremendously in the last 5 years (Hiller 1982). This same trend is evident in forest areas where ORV use has been occuring.

Industry sources indicate that the total number of motorcycle registrations have dropped in 1982 after rising significantly since 1960. In 1982, the State of California had about 442,700 motorcycles which were used off highway at some time. This represents 1.9 vehicles per 100 people and 9.3 vehicles per 100 acres of public land in the state (Motorcycle Industry Council 1983). The above figures include three wheeled ATV's. Appendix 4 shows state by state comparisons.

Accurate ATV sales statistics have been difficult to obtain because of the limited number of manufacturers and their desire to keep sales figures confidential. However, estimates are that in 1979 new sales

amounted to about 80,000 units and in 1980 over 100,000 vehicles were sold which, incidentally, amounted to 25% of all off road motorcycle sales. By 1981, 300,000 three wheeled ATV's were in use in the U.S. (Motorcycle Industry Council 1983), and current estimates indicate that over 1 million vehicles are in use (Janson 1984). What the future holds for this market is uncertain, but there does appear to be a growing trend toward the four wheeled ATV.

Industry sources indicate that sales are heaviest in the west and south with the midwest and the east each accounting for less than 20% of the use (Motorcycle Industry Council 1983).

The high sales rate comes from both new riders entering the market and from existing riders buying additional machines. A 1982 survey by a three wheeling magazine showed that 48% of the respondents planned to buy a new machine within 6 months. Of this same group, 57% responded that they already had more than one ATV in the household (Kirsten 1982). This multiple ownership pattern can be expected when considering the family nature of the sport.

New riders also add to the increasing use that is being observed. A Southern California firm that rents three wheelers and leads guided trail rides indicates that most of their users are beginner riders and after renting a machine, about 95% want to get one of their own (Estinius 1984).

This rapidly growing user group has also lead to the development of several spinoff industries or organizations. Several three wheeler magazines have come into existence to provide the users with information on machine inovations, riding areas, and competitive events. Competitive events are popping up everywhere, including motocross - type races on tracks, major point to point races in the west and Baja, California, and swamp racers or enduro type events in the south (Motorcycle Industry Council 1983). The desire for additional events will no doubt continue.

Clubs for three wheelers are being formed in many areas. The American Motorcycle Association has announced the formation of The All Terrain Vehicle Association, whose sole objective will be to promote the development of new opportunities for ATV enthusiasts (Janson 1984). The motorcycle industry has also developed a trade organization, that is concerned with ATV's, known as the Specialty Vehicle Institute of America (Golde 1984). All of the above groups are available to provide the land manager with information on the sport and on the needs of this rapidly growing population.

Since it is obvious that the size of the group of ATV enthusiasts is large and continuing to grow, it is important to know where these people will travel for a recreation experience. The State of California, in their off-highway-vehicle plan, has identified some behavior patterns and user perceptions that give some indication where users will tend to concentrate and what they will be looking for. It was found that users from the Los Angeles basin were not generally

interested in traveling long distances for ORV recreation. On one or two day outings, they used the southern California desert or coast, which represents a one or two hour trip. On 3 day trips they would travel to the desert or the southern Sierras, generally a 4-6 hour trip. On longer outings, they used these same areas rather than extending their range (Calif. Dept. of Parks & Rec. 1983). All of this indicates that the demand on the Sequoia National Forest will respond closely with the changes in user numbers, particularly in the Los Angeles basin.

The California plan also identifies some user perceptions of compatibility between types of off-highway-vehicles (OHV) and other users. OHV users are aware that many people like to use the same areas to hunt, fish and hike and that some perceive that OHV use will preclude these other uses. However, they point to other areas where various users are quite compatible such as the Capital Forest in the State of Washington, which is an excellent example of an area where ORV use exists along with other uses such as hiking and equestrian use. OHV users also perceive a conflict between bikes and four wheel drive vehicles but they indicate that they do not want totally separate trail systems (Calif. Dept. of Parks & Rec. 1983).

In order to address some of the needs and desires of the users, the California plan identified the following four state priorities:

1) Provide more land through aquisition, easements, or working to open public lands that have been closed.
2) Provide more trail opportunities.

3) Improve maintenance of existing trails to reduce impacts of over use.

4) Provide new facilities, such as signs, fire pits, information boards, trash cans and water at staging areas and along trails (Calif. Dept. Of Parks & Rec. 1983).

It may be possible to provide for some of these statewide needs on National Forest land but the decision must be based on a thorough understanding of the use and an evaluation of the potential impacts.

Existing Policy

Existing Forest Service policy is quite broad and allows the manager considerable latitude in deciding the type of management which is applied to any specific area. The Forest Service Manual (FSM 2355) indicates that ORV travel is an acceptable form of recreation on National Forest Land and managers should provide for a diversity of ORV opportunities where such use is compatible with established plans and management objectives. The Trails Management Handbook, which is currently in draft form, indicates that motorcycling on the National Forest will be a trail oriented activity with emphasis on the forest setting.

The Manual directs that management of ORV use must be planned and implemented to achieve the following objectives:

1) Provide for user enjoyment.

2) Minimize adverse eff ,ts on lands and resources.

3) Promote public safety.

4) Minimize conflict with other users.

The Forest Service Manual and the Trails Management Handbook, offers several suggestions to meet the above objectives:

1) Provide for user enjoyment.

   Provide a wide and balanced range of ORV opportunities (except pure challenging driving) (FSM 2355.12). Provide trail diversity by developing a range in levels of difficulty. Provide cut offs on a system of loop trails so that user needs for different distances and experiences can be accomodated (Trails Management Handbook).

2) Minimize adverse effects on lands and resources.

   Consider possible damage from ORV use on soil, water, vegetation, or other natural, cultural or historic resources (FSM 2355). Implement layout and construction techniques to reduce or eliminate impacts (Trails Management Handbook).

3) Promote public safety.

   Avoid the need for trailbikes to travel on forest roads where states require them to be street legal (Trails Management Handbook). Recognize differences between vehicle types.

4) Minimize conflicts with other users.

   Consider local air and noise requirements (FSM 2355). Consider the Recreation Opportunity Spectrum (ROS) classes that are provided in the area.

One aspect of trail planning and development which is stressed repeatedly is the need to protect National Forest land and resources from unnecessary damage. While providing significant amounts of recreation use and enjoyment, uncontrolled off road vehicle use can cause serious impacts on resources, other land users, and on the experience level of the Forest users. (FSM 2355) It is this concern about the impacts of uncontrolled ORV use that stimulated the issuance of E.O. 11644 and subsequent amendments. It is these same concerns that make thorough planning critical when considering establishment of ATV facilities.

As part of this planning effort, all forests have been classified into specific zones of use (E.O. 11644). The use zones are defined as follows:

Open - Areas and trails on which all types of motorized vehicles will be allowed to operate off roads without restriction.

Restricted - Areas or trails on which use by ORV is restricted as to time or season of use, type of vehicles, designated areas or trails, or type of activities. The above restrictions require establishment of a Forest Supervisor order.

Closed - Areas where motor/vehicle use is prohibited (FSM 2355).

Another area of policy to be considered is how trails are managed after they are planned and developed. Here, the Forest Service Manual indicates that trails are part of the total forest transportation system and are to be administered in accordance with all existing laws and regulations. Trails need to be considered in conjunction with roads to ensure that

they are properly interfaced. However, the Manual further points out that trails are unique travel facilities because not only do they provide access opportunities, but they are also used by public as a recreation experience in themselves (FSM 7717). It is important that managers keep this fact in mind when considering the impact of road development on existing trail systems.

An area of established policy that is becoming more and more of a problem, particularly with the advent of the ATV, is the definition of a trail vehicle. Forest Service Manual 2355.05 defines a trail as a way open for the purposes of travel by foot, horse, or trail vehicle less than 40" wide. A trail vehicle is defined as any vehicle which is 40" or less in width and is used on trails. This, for the most part, includes all but the largest ATV's which are currently being built. If this remains an absolute standard, trail management could get complicated. This problem has been recognized in the new Trails Management Handbook. Section 3.22 has been reserved for specific information on ATV trails.

Existing Laws

State vehicle laws vary substantially from state to state. They have also been subject to considerable changes over time. Therefore, it is important that current updated information be reviewed during the specific trail planning process. Included for general information is Table 3, which shows a brief overview of state laws as they existed in May of 1983. A more detailed description of state requirements are included in Appendix 3.

TABLE 3 STATE OFF-HIGHWAY MOTORCYCLE REQUIREMENTS

Off-highway motorcycles are subject to a wide variety of regulations for use in nearly every state. Individual states may have a vehicle registration program, an operator license requirement or specific equipment requirements. Several states are also developing a special off-highway fund through the registration program or gasoline tax rebates based on the amount of fuel used off-highway. This money is then used for the acquisition, development or maintenance of off-highway vehicle use facilities.

The chart below summarizes the requirements of each state for vehicles and operators as of May, 1983.

STATE OFF-HIGHWAY MOTORCYCLE REQUIREMENTS, MAY, 1983

STATE	OFF-HIGHWAY REGISTRATION	VEHICLE TITLE	M/C OPERATOR LICENSE	MINIMUM AGE TO OPERATE	OFF-HIGHWAY EQUIPMENT REQUIREMENTS: LIGHTING	BRAKES	MUFFLER	SPARK ARRESTOR	OTHER	RIDER EDUCATION	STATE OHV FUNDING	OHV ADVISORY COUNCIL	STATE OHV AREAS	TOTAL MOTORCYCLES USED OFF-HIGHWAY AT SOME TIME
Alabama		●-7					●-D						Yes	66,900
Alaska		●-7											Yes	24,300
Arizona		8											Yes	60,900
Arkansas		●-7										Yes		62,700
California	●-1A	●			●-17	●	●-19C	●-20		●	●-26	Yes	Yes	442,700
Colorado	●-2	8			●-17	●	●-19C	●-20			●-2	Yes	Yes	64,400
Connecticut	●-3	●-7			●	●	●						Yes	28,600
Delaware	●-4A	9		●-11	●-17	●	●-19C	●	●-21	●	●-25			6,400
Dist. of Col.		●												500
Florida	●-5BE	●					●-D		●-21D				Yes	129,600
Georgia		8				●	●							90,800
Hawaii													Yes	
Idaho	●-5A	8					●-19			●	●-26	Yes	Yes	43,900
Illinois		●-7												125,800
Indiana	●-4BE	●-9		●-12	●	●-18	●			●	●-25			90,300
Iowa		8					●-D		●-21D				Yes	74,400
Kansas		●												47,300
Kentucky		●												49,000
Louisiana		●												118,700
Maine		●-10												18,900
Maryland	●-5BD	●-7	●-D	●-11D	●-17D	●-D	●-19D				●-25		Yes	36,500
Massachusetts	●-4B	●-7		●-12	●	●	●-19C	●	●-21				Yes	38,400
Michigan	●-6A	8		●-13	●-17	●-18	●-19C	●		●	●-25	Yes	Yes	142,100
Minnesota		●-9											Yes	92,200
Mississippi		●-9											Yes	58,700
Missouri		●-7					●-D	●-D					Yes	74,300
Montana		8												35,400
Nebraska		8											Yes	42,700
Nevada		●-9						●-E						19,000
New Hampshire	●-4B	8		●-11	●	●	●-19	●		●	●-27	Yes		17,100
New Jersey		8												54,200
New Mexico	●-5A	●											Yes	29,600
New York		8												112,300
No. Carolina		8										Yes	Yes	74,500
No. Dakota		8					●-19D						Yes	24,200
Ohio	●-5A	8	●-E	●-14	●-17	●	●				●-25		Yes	124,400
Oklahoma		8			●-D	●-D	●-D	●-D	●-22D			Yes	Yes	81,900
Oregon		●-7			●-17	●	●-19	●					Yes	67,800
Pennsylvania		8					●-D	●-200					Yes	135,200
Rhode Island	●-5B	●		●-15	●-17	●	●-19		●-23				Yes	6,700
So. Carolina		●-9			●-D	●-D	●-D	●-D					Yes	33,600
So. Dakota		●-9					●							21,500
Tennessee		●					●-D	●-D					Yes	95,600
Texas		●					●-D	●-200	●-21D				Yes	243,300
Utah	●-4B	8		●-16	●-17	●	●-19C		●-24	●	●-25	Yes	Yes	58,800
Vermont		8												9,100
Virginia		8					●							58,300
Washington	●-4A	8			●-17	●	●-19	●		●	●-26	Yes	Yes	107,300
W. Virginia		●-7												41,800
Wisconsin		8									●-28	Yes	Yes	80,800
Wyoming		8												19,700
U.S. Total														3,589,000

● Requirement in Law

1. Except street-registered OHMs. Identification sticker required to transport competition OHM.
2. OHV recreation program summarized.
3. Not implemented for OHMs.
4. Except street-registered OHMs or OHMs in races.
5. Except street-registered OHMs.
6. Except OHMs in races.
7. Titling at ... rer's option.
8. Not required for OHMs.
9. Required only if born mobile.
10. Not required for OHMs under 350 cc. Optional for others.
11. 13 unless supervised.
12. 14 unless supervised.
13. 16 unless supervised or 13 with OHV safety certificate.
14. 16 unless supervised. Minimum 12 in state OHV areas.
15. Minimum 12/16 unless supervised in state OHV areas.
16. 16 unless supervised.
17. Night operation only.
18. Specific performance requirements.
19. Decibel sound limit specified.
20. Approved by U. S. Forest Service.
21. Approved helmet.
22. Approved helmet if under 18.
23. 18 sq. in. reflective material each side of OHM. Approved helmet in OHV areas.
24. Approved helmet in competitive events.
25. Registration and other fees.
26. Fees and gasoline tax allocation.
27. Registration and other fees. Gas tax refund to off-highway users.
28. Special accommodations.

A. By Motor Vehicle Registration Agency.
B. By Recreation Management Agency.
C. Except in authorized competitive events.
D. Administrative regulation. Applies only in state OHV areas.
E. Applies only in state OHV areas.

OHM SOUND LEVEL LIMITS

		TEST PROCEDURE
CA	Manufactured before 1973 92 dBA 73-74 86 dBA, 75 and after 88 dBA.	a
CO	Manufactured 1971-72 86 dBA; 73 and after 84 dBA; different road limits also permitted.	a
DE	Manufactured 1978 and after 88 dBA or EPA limit.	b
ID	92 dBA.	c
MD	Manufactured after 6/76 88 dBA; 75 and after 84 dBA.	b
MI	103 dBA.	c
NE	Manufactured before 1973 90 dBA; 73-74 88 dBA, 75 and after 86 dBA or EPA limits.	c
NH	Manufactured 1973-74 88 dBA; 75 and after 86 dBA.	a
ND	86 dBA.	a
OR	In use: Model year 1975 and before 106 dBA; 76 and after 88 dBA. Certification: 1977-82 models 81 dBA; 83-87 76 dBA; 87 and after 75 dBA. Racing: 106 dBA.	
RI	Manufactured after 5/73 82 dBA; after 5/74 73 dBA.	a
UT	92 dBA.	b
VA	86 dBA or 106 dBA.	b,d

TEST PROCEDURE

a. Acceleration test 50 feet incorporation SAE J331d or similar test method.
b. Passby test 50 feet.
c. Passby test 20 feet.
d. Stationary test 20 inches.
e. Measured at 50 feet. Test procedure not prescribed.

Although this chart represents information from the most authoritative sources available as of the date shown above, the Motorcycle Industry Council is not responsible for accuracy or completeness.

Source: Motorcycle Industry Council, Inc., Costa Mesa, California.

California has established a comprehensive set of off highway motor vehicle regulations. All off highway motor vehicles covered by the law are required to be registered.

The California State Vehicle Code defines an off highway motor vehicle (OHV) to include generally any motorcycle, snowmobile, sand buggy, dune buggy, all terrain vehicle or jeep. It further indicates that the OHV laws apply to "off highway motor vehicles...on lands other than a highway which are open and accessible to the public..." (State of Calif. 1983). This could be considered to include all National Forest land and roads. However, some confusion exists with regard to highways. In an effort to clear up some of the confusion, the code defines a highway as excluding fire trails, logging roads, service roads or other roughly graded trails and roads upon which vehicular travel by the public is permitted.

Complicating the issue is the interpretation of the motor vehicle code by various managing agencies and law enforcement officials. An old logging road may be used by OHV's in one forest, while a citation may be issued for the same use when another jurisdiction is entered (State of Calif. 1983). This variation in interpretation needs to be addressed and clarified. It is important to managers and users alike that a uniform interpretation be developed.

CHAPTER 3

STATEMENT OF METHODS

Methods utilized to conduct this project include the gathering of information and data through a literature search in WESTFORNET, user contacts in the field, through the media, and user organizations, contacts with industry sources and communication with other managers.

Literature Search - WESTFORNET

A literature search was made using the various catalogs available through WESTFORNET. This resulted in a listing of over 150 articles dealing with ORV use, but only 3 or 4 articles dealt with the 3 wheeled ATV. Sixteen articles were requested and reviewed for this report.

User Contacts

Several methods were used to gain user input. Gathering of this type of information will need to continue since it is important that managers identify user needs and desires.

Field Contacts

Due to the lateness of the season, it was difficult to contact users in the field. However, several users were interviewed and information developed was used to validate information in existing literature.

Media Contacts

During the course of collecting data for this project, several publications aimed at the ATV market were identified. During conversations with editors, one expressed the desire to help and suggested that an article be written which requested user input. A brief article was prepared and published in the March issue of ATV News. Some user input has been received and included in this evaluation. Information received later will be useful in further planning on this project. The article and one user letter are included in Appendix 5.

User Group Contacts

Information and potential contacts were received from the Government Relations Branch of the American Motorcyclist Association in Westerville, Ohio. Now that the AMA has established an ATV organization, more information will no doubt be available in the future.

Industry Sources

Considerable effort is being made by the ORV industry to inform and educate users and managers.

Industry Organizations

The Motorcycle Industry Council (MIC) in Costa Mesa, California proved to be an excellent source for ORV information. They were able to pro-

vide a regular newsletter as well as statistical information and specific information on machines and machine specifications.

In an effort to provide more emphasis on ATV and other specialty vehicles, a sister organization has been developed in association with the MIC. The Specialty Vehicle Institute of America helped with this project and should prove to be a valuable source of information in the future.

Business Sources

Contacts made with ATV dealers and others serving the ATV user proved somewhat helpful. The information developed aided in verifying some of the user statistics and of assessing the potential demand for the sport.

Other Managers

Other agency managers as well as those outside the Forest Service were very helpful with ideas and suggestions. Different areas are in various stages of responding to the increase in ATV use. But since it is such a relatively new phenomenon, most are in the very early stages of planning. No experienced experts in the field have surfaced at this point but with the rapidly growing use, expertise should be developed quickly.

CHAPTER 4

DISCUSSION

This project is aimed toward development of background information for management of ATV use on the Cannell Meadow Ranger District of the Sequoia National Forest. General information about the Forest and Ranger District will provide some background for the project use.

Existing Management Situation

The Sequoia National Forest, located at the southern end of the Sierra Nevada mountains in central California, extends from the Kings River on the north to the Kern River and Piute Mountain Range on the south. The eastern boundary is on the Sierra Nevada summit where it joins the Inyo National Forest, and on the west it extends to the foothills of the San Joaquin Valley. Elevations range from approximately one thousand feet in the foothill region to peaks over twelve thousand feet high in the rugged High Sierra country. As a result of glacial action, the high country is dotted with lakes and many mountain meadows. This national forest contains a total of 1,169,530 acres, of which 1,115,375 acres are national forest lands. There are five ranger districts: Hume Lake, Tule River, Hot Springs, Greenhorn, and Cannell Meadow (See Maps, Appendix 6).

The Cannell Meadow Ranger District is located in the southeastern portion of the forest. It contains the Kern Plateau, Scodie Mountains and the

North and South Forks of the Kern River. The Domelands and a portion of the Golden Trout Wilderness areas are also within the District boundaries. The District contains 418,451 acres of national forest land.

The District has a well balanced work load. The annual timber cut is 22.7 million board feet. There are some 10,000 animal unit months of cattle grazing on eleven allotments. Recreation use was 641,000 visitor days for 1983.

The District has a total of 330 miles in the trail system, 185 miles of which are designated as open for ORV use. The District Road System consists of 35 miles of level 1 maintenance, 111 miles of level 2 maintenance, 97 miles of level 3, 34 miles of level 4 and 44 miles of level 5 for a system total of 321 miles. Description of road maintenance levels are included in Appendix 6.

The District has been mapped using the guidelines set forth under the Recreation Opportunity Spectrum. Table 4 shows the acreage breakdown.

Table 4 R.O.S. CLASSIFICATION

Cannell Meadow RD

Catagory	Acreage
Urban	0
Rural	7,114
Roaded-Natural	163,614
Semi-primitive Motorized	101,265
Semi-primitive Non-Motorized	135,160
Primitive	11,298

ORV activity occurs throughout the District with by far the largest concentration of use on the Kern Plateau. The Kern Plateau is a high elevation timbered plateau between the North and South Forks of the Kern River. The plateau also contains numerous scenic mountain meadows ranging in size from over 100 acres down to small stringers of 1-2 acres. The meadows constitute one of the most fragile ecosystems on the plateau.

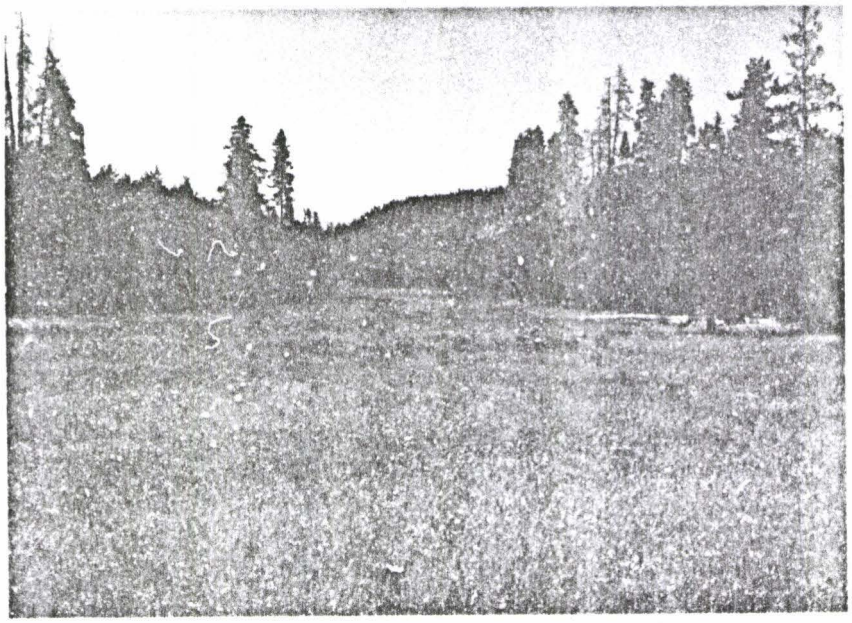


Photo 1. Meadow System on the Kern Plateau.

History of Use

Early historical use on the Kern Plateau has been primarily grazing with some isolated mining activity which originally developed vehicle access by small 4 wheel drive vehicles. During the late 1950's and

early 1960's, after considerable controversy, the area was opened to road building, timber harvest, and development. The Sherman Pass Road which provides the only access across the plateau from west to east was finally connected in 1976 and provides access from either the Lake Isabella - Kernville area on the west or from Highways 395 and 14 on the east.

The area contains three developed campgrounds and numerous dispersed sites that provide camping opportunities for the users. The primary season of use is from Memorial Day to Labor Day.

The Trail System that exists on the plateau has, as its base, the original cattle trails which were used to access the area. Many of these trails have excessively steep grades, multiple stream crossings or run from meadow to meadow. This lack of a planned system results in severe erosion and other impacts to some of the meadows and trails from both ORV and foot and horse use.

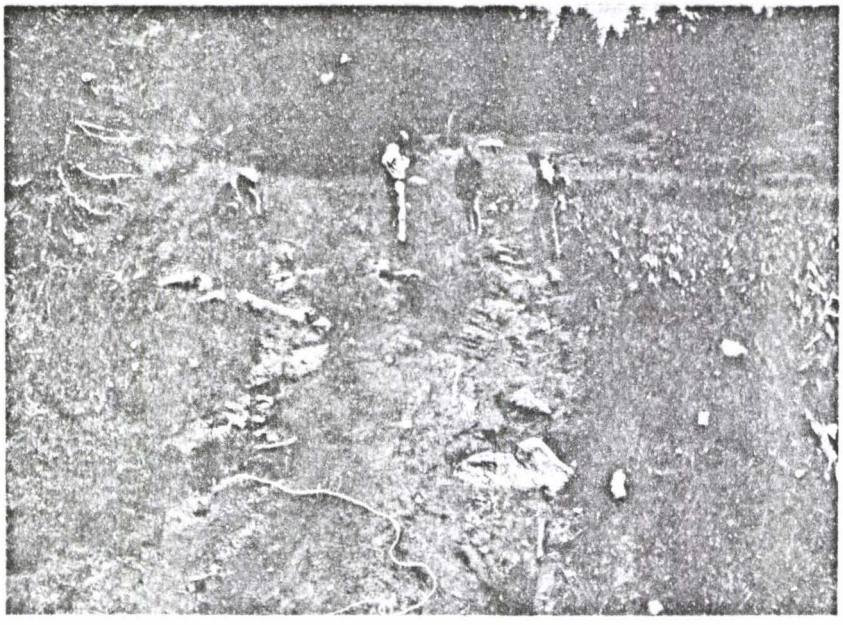


Photo 2. Severe erosion has resulted from improperly located trails.

Volunteer Programs

On going efforts utilizing volunteers and the Adopt-a-Trail Program have proved successful on the District. A total of 9 trails representing 61 miles are currently under the Adopt-a-Trail Program. This program involves routine maintenance on the trails and allows groups to schedule their own outings to perform work. District involvement is essential on early trips so members learn what is expected of them. Once members are trained, Forest Service involvement can be reduced substantially except in unusual situations. It is important, however, that the Adopt-a-Trail volunteer never be allowed to feel abandoned by the Forest Service.

To accomplish trail relocations and reconstruction that is outside the scope of the Adopt-a-Trail Program, the District holds regular scheduled volunteer workdays. Workdays are scheduled for Memorial Day, Independence Day and Labor Day Holidays as well as one during August. Turnouts at these events have been quite satisfying. At one point as many as 120 volunteers have worked on the projects. With these large numbers, work can be accomplished very rapidly. On one workday, 0.6 mile of new trail and a small bridge were completed in 2½ hours. It is essential that Forest Service planning and prework be properly done to avoid an unsatisfactory experience for both the volunteer and the Forest Service.

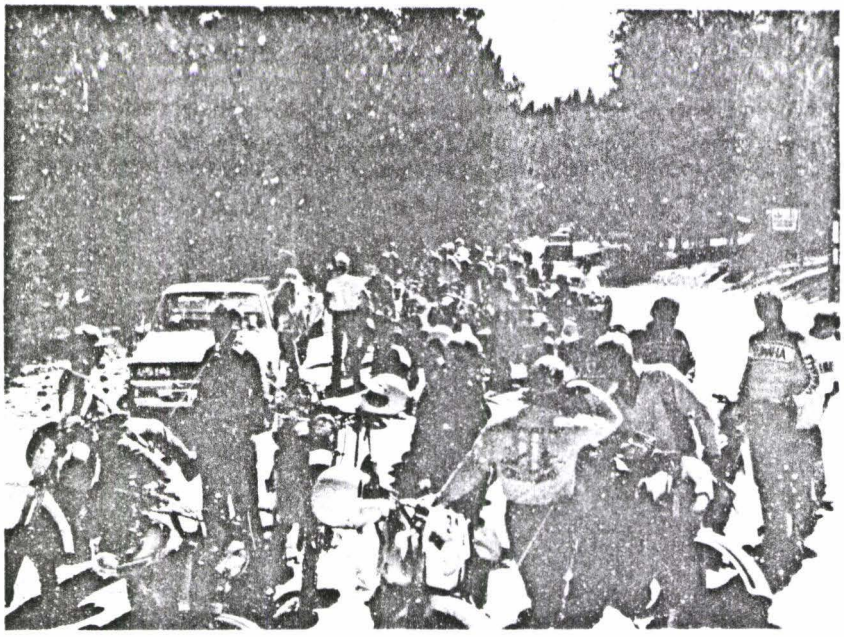


Photo 3. Large turnouts are possible for well advertised workdays.

Both the Adopt-a-Trail Program and volunteer workdays have produced considerable productive work. They have also produced numerous side benefits. An open line of communication has been developed between the users and the Forest Service. In addition, users have become much more aware of the effects of their vehicles on the trails. This awareness in itself tends to reduce the impacts. Attempts have been made to develop this awareness through the printed media. For example, the primary reason given for printing the booklet "The Trail Riders Guide To The Environment" was to explain the potential impacts of off road vehicles to their users and to suggest ways in which it can be reduced or avoided (Bennett 1973). Use of the media can be helpful but on-the-ground experience is much more effective.

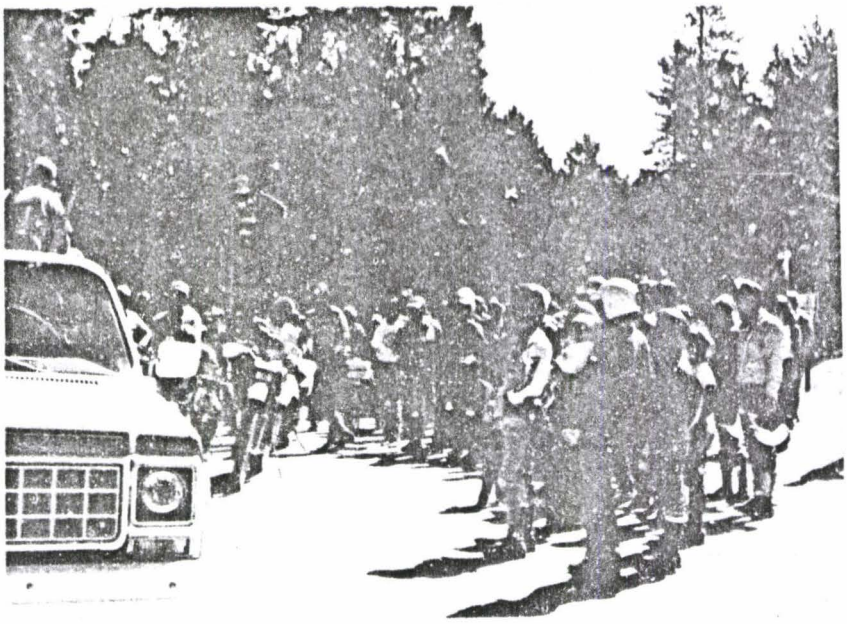


Photo 4. Briefing before project allows for explanation of job and reasons for doing the work.

Another effect of the Adopt-a-Trail Program is the pride in "ownership", a group develops its trail. This can be a benefit or a detriment depending on how it is handled. Users need to be informed in advance that there are no "special deals" for the group. For example, if a trail has to be closed because of adverse conditions, then it is closed to everyone. With this understanding, the pride in ownership can prove to be a definite advantage. Users tend to work longer and harder on "their" trail. They also more closely monitor use by others and the conditions of the trail. If something occurs that they are unable to repair, they are much more likely to inform the District of the problems.

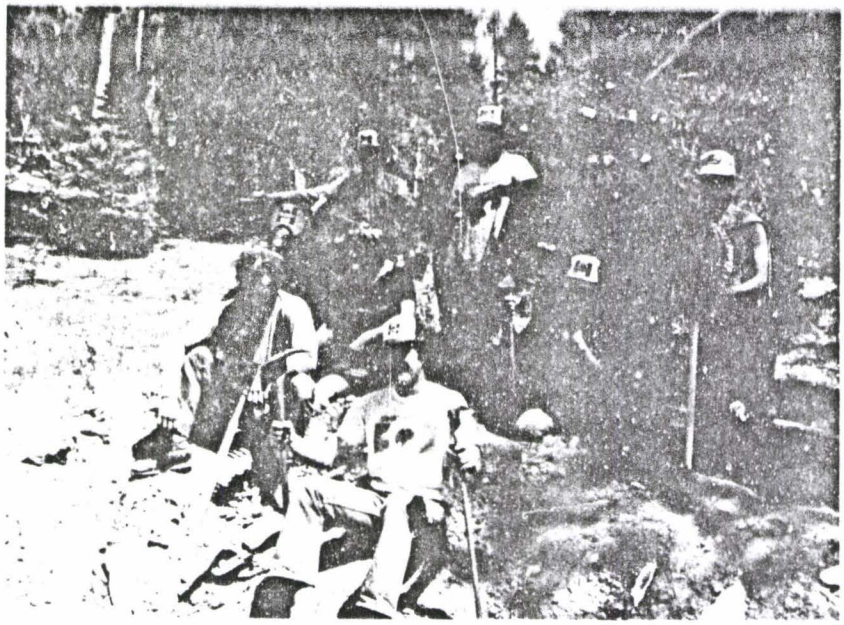


Photo 5. Pride of ownership is increased by signing.

These same techniques could be used to aid in the maintenance and development of ATV trails if a program is established.

Area Popularity

The Kern Plateau has become a very popular ORV riding area that is an easy three to four hour drive from the Los Angeles basin. Increase in popularity has come from both word-of-mouth and from media publicity. General recreation articles have been published in Sunset Magazine on several occasions and an article is due to be published in the June issue of Field and Stream. Articles specifically aimed toward the off-road enthusiast have appeared in Cycle News and Off-Road, as well as other motorcycle and four wheel drive publications. All of this publicity tends to significantly increase use.

ATV Situation

While motorcycle use continues to increase at a relatively projectable level, a new phenomenon has begun to emerge. In 1982, probably less than 30 three wheelers were encountered on the Kern Plateau. However, 1983 showed a substantial increase in three wheeled vehicles. Accurate surveys and statistical samples are not available but based on personal observations, the numbers not only increased over the previous year, but also seemed to increase from week to week as the word got out. The season ended on Labor Day with over 100 ATV's using many roads and trails.

This increasing use pattern makes it critical that a plan be developed to manage the use before control is lost and safety and environmental problems become excessive.

No one was really prepared for the recreational explosion of the late 1960's and early 1970's. Today we know a great deal more about planning and managing recreation, especially vehicular recreation than we did in 1970 (Sanderson 1983).

The Sequoia National Forest Off-Road-Vehicle Management Plan currently identifies all motorized trails as "two wheeled vehicle trails". Therefore, existing interpretation is that three wheelers, even those under 40" wide, are not allowed on the trails. This has been done because many trails have a narrow 24 to 30 inch tread width. Maintaining this distinction between two wheeled and three wheeled ATV's is important to trail management on the forest.

If this increasing demand by different vehicles with different requirements and needs is simply ignored, the end result will be totally unacceptable to everyone concerned.

CHAPTER 5

MANAGEMENT ALTERNATIVES

The fundamental objectives of the Recreation Manager falls within these areas:

1. To preserve and protect the resource.
2. To protect the user from harm in connection with use of the resource.
3. To provide, preserve, and enhance satisfying recreational experiences (Peterson 1979).

These objectives should serve as a basis for evaluating alternatives.

It makes no sense not to consider all three factors (environmental impacts, user conflicts and recreation requirements) when evaluating alternatives. However too often it appears that environmental impacts and user group conflicts are given prime consideration while recreational requirements are de-emphasized (Buffo 1979).

The management strategies that could be applied to the ATV situation are varied. Depending on the objectives, management strategies could fall into one or more of the following categories:

1. Improving the ability of the resource to serve the desired public.

2. Making the resource more durable.
3. Shielding users from harm and conflict.
4. Controlling the way people behave.

Category 4 is by far the most versatile, but in some cases the most difficult (Peterson 1979).

Undesirable behavior may be attacked indirectly by modifying the decision factors or directly through regulation enforcement. Sometimes the manager will want to leave behavior alone and attack the consequences. In trying to affect behavior, several specific methods can be used.

Regulation: This involves a direct prescription of acceptable behavior. The success of this method is dependent on the enforcement ability and the enforcement of the specific regulation.

Licensing: This involves a conditional granting of the privilege to use an area.

Fee Structure: This method can be used to direct users to specific areas.

Site design and delivery of services: This can be used to either impose constraints on use or to offer incentives for use.

Information and training: This can include warning signs, brochures and other methods of delivering information to specific user groups (Peterson 1979).

Whatever category the specific management strategy falls within or whatever method is used to control specific behavior, it is important that it be enforceable, understandable, and consistant. An Idaho study found that both users and managers were able to agree with the following statements:

1. Unenforceable ORV regulations encourage increased misuse of the land.
2. ORV regulations should be specific to each type of vehicle and each type of use.
3. Under certain conditions ORV policies and regulations of one agency may be detrimental to the enforcement of those of another agency (Propst 1977).

Development of Alternatives

A wide variety of alternatives could be applied to management of ATV's. Some of these possible strategies include:

A. Close forest roads and trails to three and four wheeled all-terrain vehicles.

In the State of California, enforcement of the street legal requirements would restrict use on well maintained Forest Service roads. Closure of "roughly graded" roads and specific trails would require a Supervisor's closure order.

B. Open all motorized trails to All-Terrain-Vehicles based on current definitions of a trail vehicle (ie. vehicles less than 40" wide allowed on trails).

Under this alternative, trails would be designated as motorized or non-motorized. On motorized trails, any machine that was not over 40" wide would be allowed without further restriction.

C. Open specific motorized trails to three and four wheeled All-Terrain-Vehicles while limiting others to two wheeled vehicles.

This alternative would establish a distinction between two wheeled ORV's and those with three or more wheels. These different classes of vehicles would then be managed separately. Under this alternative, the 40" rule could either be eliminated or left intact. Trails would be designated for ATV use based on their suitability for the use.

D. Develop a separate trail system for All-Terrain-Vehicles.

This alternative would involve establishment of specific ATV trails which might or might not be made available to two wheel ORV. In many cases it could result in a parallel system of trails, especially in areas where specific recreational features are accessed.

E. Develop a system for All-Terrain-Vehicles which utilizes existing low standard forest roads which are closed to normal traffic and connecting trails where feasible.

This alternative would necessitate the establishment of a variable system. Specific roads which are closed to normal traffic could be used by ATV's. However, when management activities require that the road be opened for use, the ATV use would have to be shifted to other areas.

F. Identify specific zones of use for All-Terrain-Vehicles and other uses.

Zones may be open or may limit use to specific routes. These zones would provide the opportunity to separate uses.

G. Open the forest to cross country travel by All-Terrain-Vehicles.

Evaluation of Alternatives

As previously mentioned, this project will not address in any detail the specific environmental impacts of implementation. These will vary greatly with changes in soil types, climatic conditions, and vegetative cover of any specific location. In addition, other effects of the various alternatives will vary with the degree of implementation. This report will attempt to evaluate each alternative on basis of the following criteria.

1. The degree of ATV opportunities that are provided.
2. Conflicts anticipated between ATV users and non-ORV recreationists.
3. Conflicts anticipated between ATV users and two wheeled ORV users.
4. Conflicts anticipated between ATV users and other ORV users.
5. General impacts expected on recreational facilities such as roads and trails.
6. General environmental impacts expected.
7. Effects on adjacent land owners.
8. Changes expected in the Recreation Opportunity Spectrum (ROS).
9. The administrative complexity of the alternative.
10. The enforcement efforts that would be required.
11. The relative costs of the alternative.

ALTERNATIVE A - CLOSURE OF ROADS AND TRAILS TO ATV

The opportunity to ride ATV's on Forest roads and trails would be lost with this alternative. If sales continue and people really want to ride in the forest, manufacturers will probably develop machines that can be licensed as street legal. Some ATV's have been licensed in areas near Pismo Beach. If the vehicles were street legal they could be ridden on Forest roads that are open for public use.

If ATV's had no reason to be in the Forest there would be no conflicts with other users. However, if they were street legal the conflicts with

four wheel drive users could be high as ATV's used jeep roads. The increase in user numbers on the roads along with differences in vehicle speeds and requirements could create substantial safety problems.

There would be no direct impacts on trails and roads, but other impacts such as erosion or damage to vegetation and visual quality would occur because of unauthorized use. Studies have shown that satisfied users tend to stay on roads and trails and utilize facilities for their intended purpose while unsatisfied users tend to stray in search of satisfaction.

Other landowners will feel the effects of this alternative to a great extent. Many machines are in use and they will be ridden somewhere. As more areas are closed the impacts on the open areas will increase.

The ROS classifications of an area will remain unchanged since existing motorized trails would remain. However, they would be closed to ATV use.

Administrative complexity and enforcement efforts would be high in the early stages as users are informed of the closures and directed to other areas. Then they would decrease substantially as the users left the area. If the machines were street legal, high enforcement efforts would be necessary to control unauthorized use.

Costs involved in this alternative would be low to moderate. No construction would be necessary but enforcement and area rehabilitation costs could be expected.

ALTERNATIVE B - OPEN MOTORIZED TRAILS TO ATV'S UNDER 40" WIDE

Initially, under this alternative, trail riding opportunities would be high. However, as use on unsuitable trails increased, it may be necessary to close some trails to all motorized use thereby reducing opportunities.

User conflicts may increase. Conflicts with non-ORV users would increase somewhat because of increased vehicles. However, no new areas would be opened to motorized use. Conflicts with two wheeled ORV users would increase because of the increase in numbers of vehicles on trails and differences in vehicle width and speed.

The impacts on the trails themselves would be high. The general character of the trails would change from a narrow travel way to a wider nature. This would require increased trail maintenance. In some areas, where existing trails are not suited for ATV use, off trail travel would occur and would result in increased environmental impacts.
If the trail system meets the needs of the ATV rider, this alternative could have a beneficial effect on adjacent landowners as users would become less concentrated.

No new motorized trails would be developed so no change of the ROS classification would be expected.

Management under this alternative would be very similar to that existing prior to implementation. Some additional monitoring of use would be expected. Law enforcement efforts would have to increase. Since some use may occur on trails that are suitable for motorcycles but not suitable for ATV's, some off trail use could be expected. Some enforcement problems would be expected with vehicles that are very close to the 40 inch width limit.

There would be no additional construction costs since new trails would not be developed. Law enforcement costs would be moderate. Maintenance and rehabilitation costs would be high because of use on unsuitable trails.

ALTERNATIVE C - OPEN SPECIFIC MOTORIZED TRAILS TO ATV USE WHEN SUITABLE, LIMIT OTHERS TO MOTORCYCLE USE

The ATV riding opportunities available under this alternative would vary depending on the number of suitable trails that were identified.

User conflicts expected would be very similar to those with alternative B. However, conflicts with motorcycle riders would be somewhat less because fewer trails would be affected.

Since fewer trails would be open to ATV use, the environmental impacts would be less also. The shift of trail character would still occur on ATV trails but other motorcycle trails would remain unchanged.

Adjacent landowners would not be affected if the open ATV system was sufficient to meet user needs.

No new trails would be built with this alternative so no changes would occur in ROS classification.

Once the ATV system was established, administrative complexity would be low to moderate. A separate trail classification would have to be included in planning, but management would be relatively straight forward. Enforcement efforts would be increased since it would be necessary to educate users as to which trails were available for their use and which were not. Keeping ATV's off of other ORV trails would be necessary and could be difficult.

It may be necessary or desirable to rebuild small portions of an otherwise suitable trail so the trail could be opened for ATV use. This would require some trail construction funding. Law enforcement and I&E costs would be moderate under this proposal. Maintenance and rehabilitation costs would be lower than with Alternative B.

ALTERNATIVE D - DEVELOP SEPARATE TRAIL SYSTEMS FOR ATV'S

This alternative would provide moderate to high ATV riding opportunities if sufficient trails were built. With current levels of funding, it is difficult to imagine how a large trail system could be built. Therefore, opportunities would range toward the low end.

If the new trail system were located in an area currently closed to motorized use, the conflicts with non-ORV users could be substantial. Conflicts with motorcycle and four wheel drive users would be minimal since separate facilities would be developed.

Impacts on existing roads and trails would be low since they would not be included in the new system. There could be unauthorized use but if the new system satisfied most needs the impacts would be small. Since the new system would be designed to accomodate ATV use, other environmental impacts would be low. However, if the system is small, some off trail use could be expected.

Effects on adjacent lands would vary with the size of the system developed. A small system could force users onto adjacent land whereas a larger system would have a tendancy to draw users from other areas.

Depending on the location of the new trail system, the ROS classification could change. Trail development in new areas could shift the classification from the non-motorized toward the motorized side of the spectrum.

Administration of the dual trail systems could be moderately complex. Additional trails with different standards and requirements would require a separate set of management guidelines. In addition, more monitoring of effects would be required. Once the system was in place, efforts necessary

to enforce the new regulations would be low if the system was sufficient to meet most user needs.

Construction costs associated with this alternative would be very high. Wider trails necessary to accomodate ATV use would require substantially different construction techniques than are currently used for trail building. Other costs would be low.

ALTERNATIVE E - ESTABLISH AN ATV SYSTEM USING LOW STANDARD ROADS WHICH ARE CLOSED TO GENERAL TRAFFIC

The opportunities to provide ATV riding experiences would be moderate to high depending on the number of miles of road available.

The conflicts with non-ORV users may increase as areas currently closed to vehicles are opened for use. However, vehicle use on roads would not be outside non-ORV user expectations. Conflicts with motorcycle users would be low. There may be some conflicts if motorcycles are allowed to use the roads but generally they prefer trails over roads. ATV use on open jeep roads could be expected to have a moderate to high impact on four wheel drive users.

Impacts on the facilities used for the ATV system is expected to be low to moderate. Properly constructed roads are better able to take use than many trails. Increased maintenance would be needed but in some cases it could be handled with normal road maintenance equipment.

Impacts on other areas are expected to be low if the trail system meets riders needs.

This alternative could benefit adjacent areas since it provides riding opportunities and would not force riders into other areas. The effect on the ROS classification would be low because existing roads would be used. If new trails are opened to create loops, some shift toward the motorized side of the spectrum would occur.

The administrative complexity of this alternative would be very high since changes in management activities could require changing the specific roads that would be available for ATV use. This would require a substantial signing and visitor information efforts.

Construction costs associated with this alternative would be low if only roads are used. Moderate expenditures would be expected if new trails were constructed to provide loops. Enforcement costs would be moderate since users would have to be re-educated each time the system had to be changed. Maintenance costs would be low since work could be done with normal road maintenance equipment.

ALTERNATIVE F - ESTABLISH SPECIFIC USE ZONES FOR ATV USE

Riding opportunities for ATV's could be high depending on type of use zones established.

Conflicts with other users could be high. If new vehicle areas are opened, non-ORV users would be impacted. Other ORV users would be impacted in ATV zones because use would be concentrated.

In zones where unlimited use was allowed, environmental impacts in some areas would be extreme. Impacts would be moderate to high in zones where trail use is specified.

Effects on adjacent lands would be low since demand would be satisfied and users would not be displaced. However, as users shift from open zones to more restrictive areas conflicts could exist.

The changes on the ROS classification could be substantial if new areas are opened for vehicle use.

The administration complexity of this alternative will be moderate depending on the type of use in the zones. Since it would be necessary to identify open zones, restricted zones, and closed zones, additional public information signing will be necessary to inform the public and reduce confusion.

Construction costs would be low since new facilities would not be built. Enforcement and rehabilitation costs would be high.

ALTERNATIVE G - OPEN AREAS TO CROSS COUNTRY USE BY ALL-TERRAIN-VEHICLES

Initially, riding opportunities would be high. But, as impacts from cross country use become unacceptable and force closure of many areas, opportunities would decrease.

Conflicts with other users would be very high to extreme. Non-ORV users would not be able to get away from ATV's since use would occur on all areas. Conflicts with other ORV users would be high if they were forced to live with different restrictions. In addition, impacts caused by ATV's would effect all ORV use.

Impacts on roads and trails would be low to moderate since much use would occur on other areas. Impacts on the general environment would be extreme and widespread. Additional erosion would result from hill climbing. Visual impacts would be high.

The effects on adjacent land would be variable. Fewer people will use other land but as users shift from open area to areas where cross country travel is restricted, confusion and conflicts will result. Also, as areas are closed because of environmental impacts, users will be forced onto other areas.

The effect on ROS classifications would be extreme. All open areas will shift to the motorized side of the spectrum.

Administration of open areas would be easy in the beginning. However, monitoring of impacts would be difficult. As areas were closed, the administrative and enforcement efforts would have to increase significantly.

Construction costs would be very low. Management and enforcement costs would be moderate but would increase over time as areas were closed. Rehabilitation costs would be very high.

Table 5. ALTERNATIVE EVALUATION MATRIX

CRITERIA	Alternative A	B	C	D	E	F	G
Riding Opportunities	Low	High	Mod.	High	Mod.-High	High	High-Mod.
User Conflicts with non-ORV users	Low	Low	Low	Mod.	Mod.	High	High
with Motorcycle users	Low	High	Mod.	Low	Low	High	High
with 4X4 users	Low	Low	Low	Low	Mod.	Mod.	High
Impacts on Facilities	Low	High	Mod.	Low	Low	High	Mod.
General Environmental impacts	High	High	Mod.	Mod.	Low	High-Extreme	Extreme
Effect on Adjacent Land	High	Low	Low-Mod.	Low-Mod.	Low	Low	Low
Effect on ROS	None	None	None	Low-Mod.	Low	High	Extreme
Admin. Complexity	Low-High	Low	Low-Mod.	Mod.	Very High	Mod.	Low
Enforcement Efforts	Mod.	Mod.	Mod.	Low	Mod.-High	High	Mod.
Costs							
Construction	None	None	Low	Very High	Low-Mod.	Low	Low
Enforcement	Mod.	Mod.	Mod.	Low	Mod.	High	Mod.
Rehabilitation	Mod.	Mod.-High	Mod.	Low	Low	High	Very High

CHAPTER 6

CONCLUSIONS, RECOMMENDATIONS AND SELECTED ALTERNATIVE

The following conclusions and recommendations for future actions are based on the information developed during the preparation of this project.

Management Challenges

Demand for ATV riding opportunities will continue to increase. They will not simply go away.

All-Terrain-Vehicle use can be managed if land managers are willing to look at new and inovative ways of dealing with this new use.

The situation, if allowed to continue without application of control will become an increasing problem.

Policy Constraints

The blanket application of the 40" standard for defining trail machines will result in substantial management problems as use increases.

All-Terrain-Vehicles may require different trail standards than other off-road vehicles.

Variation in interpretation of California State Law regarding OHV use creates problems for users and managers as well.

Research Needs

Additional research is needed with regard to all aspects of ATV use including market and use information, specific need limitations of the machines, and desires of the users as well as the physical impacts of the use on the environment.

Planning Needs

The development of any trail system requires both long range program planning as well as specific project planning. Increasing the diversity of user types, machine types and user desires can substantially increase the complexity of the planning process.

Communication Opportunities

A sizeable number of projects are under way in many different agencies that are attempting to address the ATV situation. Continued communication between agencies will greatly aid the planning efforts.

The Motorcycle Industry Council is an excellent source of information regarding ORV use. They have a planning newsletter which covers many topics. A noise monitoring program has also been developed that lists

noise test standards for most motorcycles. In addition they have developed rider education programs.

User groups such as the American Motorcyclist Association also provides excellent user information as well as the opportunity to contact local organized riders.

Recommendations

Conduct a review of the 40 " standard for trail vehicles in an effort to develop a more useable definition. The review should also address developing a distinction between motorcycles and other ATV's.

The Forest Service should continue to work towards development of trail standards for ATV use. Standards should be reviewed or developed by involving field units that currently have ATV use. Some Forests are already working on trail standards.

Continue to work to develop a uniform interpretation of California State Vehicle Code regarding off-highway vehicles. Managers should have the opportunity to identify specific travel routes where street legal vehicles are not required.

Managers should continue to utilize industry sources, user groups, and other managing agencies and for input and consultation as plans are being developed.

ATV planning must begin early if managers are going to stay ahead of the growing use. Data gathered in the planning process should be incorporated into the Land Management Planning process as early as possible.

Selected Alternative

The implementation of any specific alternative may have to be modified substantially after considering the impacts on the physical environment. However, based on this analysis it is possible to select a preferred alternative for the Cannell Meadow Ranger District.

Alternative E would provide the users an opportunity to use the three wheelers in the forest environment at a reasonable cost. This alternative can also be accomplished within environmental limits with proper system planning and design.

REFERENCES CITED

Bennett, Shawn PhD, 1973. A Trail Riders Guide To The Environment. 57 p. American Motorcycle Association, Westerville, Ohio.

Buffo, Gary, 1979. Trailcyclist: What The Heck Do They Want. p. 22-26. Planning For Trailbike Recreation, USDI Heritage Conservation and Recreation Council - Motorcycle Industry Council, Washington D.C.

California, State Dept. of Parks and Recreation, 1983. Statewide Off Highway Motor Vehicle Recreational Trail Plan. 79 p. Dept. of Parks and Recreation, Sacramento, Calif.

California, State Dept. of Motor Vehicles, 1983. State Vehicle Code. 687 p. Department of Motor Vehicles, Sacramento, Calif.

Cutler, Rupert, 1980. Off Road Vehicle Use: A Management Challenge. A speech presented to an off road vehicle conference. Ann Arbor, Mich.

Chilman, Kenneth C., 1973. Profile: The Trailbiker. A speech presented to Trailbikes and Landuse Planning Training Institute at Lake Barkley State Park, Cadiz, Kentucky.

Estinius, Robert, 1984. Personal Communication. Adventure Expeditions of the Wilderness, Big Bear Lake, Calif.

Golde, Paul, 1984. Personal Communication. Motorcycle Industry Council. Costa Mesa, Calif.

Hillier, Gerald E., 1982. ORV Management on a Mega Scale. p. 1-6. Recreational Trailbike Planner 2:6. Motorcycle Industry Council. Irvine, Calif.

Janson, Roy, 1984. Personal Communication. Government Affairs Coordinator. American Motorcycle Association, Westerville, Ohio.

Kirsten, Dean, 1982. Reader Survey by 3-Wheeling the All Terrain Vehicle Magazine. Wright Publishing Co., Costa Mesa, Calif.

Leatherberry, Earl C., 1975. Northern Wisconsin Snowmobilers: Their Characteristics and Management Preferences. USDA Forest Service Res. paper NC-135. 4 p. N. Central For Exp. Sta., St. Paul, MN.

Nicholes, Garrell E., 1979. The Motorized Users Perspective of Changing Dispersed Recreation Opportunities. p. 87-93. Planning for Trailbike Recreation. USDI Heritage Conservation and Recreational Service - Motorcycle Industry Council, Washington D.C.

Nicholes, Garrell E., 1982. Stereotypes. p. 1-4. Recreational Trail-bike Planner 2:3. Motorcycle Industry Council, Irvine, Calif.

Motorcycle Industry Council, 1982. Threewheelers: What are They. p. 1-7. Recreational Trailbike Planner 2:3. Motorcycle Industry Council, Irvine, Calif.

Motorcycle Industry Council, 1983. Motorcycle Types and Uses. p. 1-6. Recreational Trailbike Planner 2:7. Motorcycle Industry Council, Irvine, Calif.

Motorcycle Industry Council, 1983. Motorcycle Statistical Annual. 45 p. Motorcycle Industry Council, Costa Mesa, Calif.

Peterson, George L. and Lime, David W., 1979. People and Their Behavior: A Challenge For Recreation Management. Journal of Forestry 77:6. p. 343-346.

Probst, D.B., 1977. Attitudes of Idaho Off Road Vehicle Users and Managers. Bulletin 23 Idaho University Forest, Wildlife and Range Exp. Sta.

Sanderson, David, 1983. Three Wheelers. p. 1-3. Recreational Trailbike Planner 2:8. Motorcycle Industry Council, Irvine, Calif.

Toucher, Craig, 1979. Planning and Management Strategy for Cycle Use on BLM Managed Lands, p. 19-22. Planning For Trailbike Recreation. USDI Heritage Conservation and Recreation Service - Motorcycle Industry Council, CPO Washington D.C.

Yamaha Motor Co., 1983. Yamaha Marketing Survey. Yamaha Motor Corp., Cypress, Calif.

APPENDIX

1. District Source Documents
2. Executive Order 1164 as Amended
3. State Off Highway Motorcycle Requirements
4. User Surveys and Statistics
5. Magazine Article
6. Road Maintenance Standards
7. Maps:
   - Forest Vicinity Map
   - Ranger District Map

APPENDIX 1

District Source Documents

Abbreviated bibliography of FS Manuals, Handbooks, and related files.

1. Forest Service Manual

   Chapter 1020 Laws, Regulations and Orders

   Chapter 2350 General Forest Environment Areas

   Chapter 7700 Transportation System

   Chapter 7710 Transportation Planning

   Chapter 7730 Transportation Operations

2. Forest Service Handbook 2121.4 (Region Five):

   Ranger District Multiple-Use Plan.

3. Recreation Opportunity Spectrum Users Guide.

4. Forest Service Trails Management Handbook (draft).

SERIES 1000 - ORGANIZATION AND MANAGEMENT

3. Executive Order 11644, as Amended by Executive Order 11989

Executive Order 11644, as amended by Executive Order 11989
Use of Off-Road Vehicles on the Public Lands
37 FR 2877 (Feb. 9, 1972), 42 FR 26959 (May 25, 1977)

An estimated 5 million off-road recreational vehicles—motorcycles, minibikes, trail bikes, snowmobiles, dune-buggies, all terrain vehicles, and others—are in use in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands—often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity—has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), it is hereby ordered as follows:

SECTION 1. *Purpose.* It is the purpose of this order to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

SEC. 2. *Definitions.* As used in this order, the term:

(1) "public lands" means (A) all lands under the custody and control of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands, (B) lands under the custody and control of the Tennessee Valley Authority that are situated in western Kentucky and Tennessee and are designated as "Land Between the Lakes," and (C) lands under the custody and control of the Secretary of Defense;

(2) "respective agency head" means the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority, with respect to public lands under the custody and control of each;

(3) "off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract; and

(4) "official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

SEC. 3. *Zones of Use.* (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed. Those regulations shall direct that the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following—

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park system, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use.

SEC. 4. *Operating Conditions.* Each respective agency head shall develop and publish, within one year of the date of this order, regulations prescribing operating conditions for off-road vehicles on the public lands. These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

SEC. 5. *Public Information.* The respective agency head shall ensure that areas and trails where off-road vehicle use is permitted are well marked and shall provide for the publication and distribution of information, including maps, describing such areas and trails and explaining the conditions on vehicle use. He shall seek cooperation of relevant State agencies in the dissemination of this information.

SEC. 6. *Enforcement.* The respective agency head shall, where authorized by law, prescribe appropriate penalties for violation of regulations adopted pursuant to this order, and shall establish procedures for the enforcement of those regulations. To the extent permitted by law, he may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

SEC. 7. *Consultation.* Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Atomic Energy Commission.

SEC. 8. *Monitoring of Effects and Review.* (a) The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.

(b) The Council on Environmental Quality shall maintain a continuing review of the implementation of this order.

SEC. 9. *Special Protection of the Public Lands.* (a) Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

(b) Each respective agency head is authorized to adopt the policy that portions of the public lands within his jurisdiction shall be closed to use by off-road vehicles except those areas or trails which are suitable and specifically designated as open to such use pursuant to Section 3 of this Order.

GOVERNMENT RELATIONS BULLETIN

MOTORCYCLE INDUSTRY COUNCIL, INC.
1001 Connecticut Ave. N.W. • Washington, D.C. 20036 • (202) 872-9136

Date: January 8, 1981

Number: GR 82-001

SUMMARY OF STATE LAWS GOVERNING OFF-HIGHWAY MOTORCYCLES

JANUARY, 1982

The 1982 summary of state laws governing off-highway motorcycles reflects several changes in statutes and program status:

- California has passed legislation authorizing loans from the OHV Fund for fiscal 1982.
- Colorado is terminating its OHV registration and recreation development program as of 12/31/81.
- The revised Indiana statute now requires OHVs to be registered only if operated on public land.
- New Hampshire shifted responsibility for registering OHVs and regulating their use from the Department of Public Safety to the Department of Fish and Game.
- The North Dakota Department of Game and Fish requires that OHVs meet an 85 dBA sound level, measured at 50 feet. The regulation applies only in the Department's designated OHV areas.

This summary has been compiled from the most authoritative sources available at the time of publication, however, the Motorcycle Industry Council assumes no responsibility for the accuracy or completeness of the summary. The laws and regulations contained herein have been edited to delete unimportant provisions, but otherwise are presented verbatim.

SUMMARY OF STATE LAWS
GOVERNING OFF-HIGHWAY MOTORCYCLES

ALABAMA

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

ALASKA

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

ARIZONA

POWERS OF THE FISH AND GAME COMMISSION:

17-452. (a) When the Arizona Fish and Game Commission determines that the operation of motor vehicles within a certain area, except private land, is or may be damaging to wildlife reproduction, wildlife management, or wildlife habitat of such areas, the Commission, with the concurrence of the land management agency involved and after a public hearing, may order such areas closed to motor vehicles for not more than one year from the date of such closure, provided that all roads in such areas shall remain open unless specifically closed.

(b) The Commission may also recommend that particular areas of land be set aside or made available for the use of recreational vehicles.

(c) The Commission may enter into agreements with landowners and agencies controlling areas that the Commission has made recommendations on pursuant to subsection b. Any such agreement shall stipulate the restrictions, prohibitions, and permitted use of motor vehicles in such areas and the duties of the Commission and such landowners or agency relating to the enforcement of the terms of such agreements.

17-456. The Commission may expend such funds as may become available from general fund appropriations to carry out the provisions of this article, including but not limited to:

1. Investigations and surveys of actual and possible wildlife habitat damage by motor vehicles and the study of areas to be recommended for recreational vehicle use.
2. Posting notices of restrictions, prohibitions, and permitted uses of motor vehicles.
3. Providing maps.
4. An informational and education program on wildlife habitat preservation and restoration.

OFF-HIGHWAY MOTORCYCLE SOUND LIMITS:

28-955.02. The Department of Transportation shall establish by rule and regulation maximum operating noise levels for motorcycles operated in this state. The rules and regulations shall provide for varying maximum operational noise levels for motorcycles, categorized by year of manufacture and speed of operation of the motorcycle. The regulations shall be based upon noise reduction levels achieved by reasonable and prudent operation of a motorcycle and proper maintenance of the noise reduction equipment.

28-955.03. The provisions of 28-955.01 (adequate muffler in operational condition) and 28-955.02 shall not apply to a racing motorcycle operated in a racing event or in facilities used for racing events. "Racing motorcycle" means a motorcycle intended by the manufacturer to be operated at facilities used for racing events or a motorcycle which has been modified by the owner to be operated at facilities used for racing events.

(Arizona Revised Statutes Sec. 17-452; Chapter 168, Laws 1980, Arizona Revised Statutes Sec. 28-955.02)

ARKANSAS

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

CALIFORNIA

DEFINITIONS:

38006. As used in this division, an "off-highway motor vehicle" is any of the following:

(a) A motor vehicle subject to provisions of subdivision (a) of Section 38010.

(b) A motor vehicle registered under Section 4000, when such motor vehicle is operated on land to which this division has application.

(c) A motor vehicle owned or operated by a nonresident of this state, whether or not such motor vehicle is identified or registered in a foreign jurisdiction, when such motor vehicle is operated on lands to which this division has application.

38012. (a) As used in this division, "off-highway motor vehicle subject to identification" means a motor vehicle subject to the provisions of subdivision (a) of Section 38010.

(b) As used in this division, "off-highway motor vehicle" includes, but is not limited to the following:

(1) Any motorcycle or motor-driven cycle, except for any motorcycle which is eligible for a special transportation identification device issued pursuant to Section 38088.
(2) Any snowmobile or other vehicle designed to travel over snow or ice, as defined in Section 557.
(3) Any motor vehicle commonly referred to as a sand buggy, dune buggy, or all-terrain vehicle.
(4) Any motor vehicle commonly referred to as a jeep.

APPLICABILITY OF LAW:

38001. (a) Except as otherwise provided, the provisions of this division shall apply to off-highway motor vehicles, as defined in Section 38006, on lands, other than a highway, which are open and accessible to the public, except private lands under the immediate control of the owner or his agent where permission is required and has been granted to operate a motor vehicle. For the purposes of this division, the term "highway" does not include fire trails, logging roads, service roads, or other roughly graded trails and roads upon which vehicular travel by the public is permitted.

(b) Privately owned and maintained parking facilities that are generally open to the public are exempt from the provisions of this division unless such facilities are specifically declared subject to the provisions of this division by the procedure specified in Section 21107.8.

OHV SAFETY EDUCATION:

38007. The Department of the California Highway Patrol may prepare a course of instruction in off-highway motor vehicle safety, operation, and principles of environmental preservation, and for this purpose may consult with other public and private agencies and organizations. The Department may make this course of instruction available to any association or organization desirous of presenting the course to any of its members or other members of the public who express an interest to attend.

OHV REGISTRATION:

38010. (a) Except as otherwise provided in subdivision (b), every motor vehicle specified in Section 38012, which is not registered under this code, because it is to be operated or used exclusively off the highways, except as provided in this division, shall be issued and display an identification plate or device issued by the Department of Motor Vehicles.

(b) The provisions of subdivision (a) shall not apply to any of the following:

(1) Motor vehicles specifically exempted from registration under this code, including but not limited to motor vehicles exempted pursuant to Section 4006, 4010, 4011, 4012, 4013, 4015, 4018, and 4019.
(2) Implements of husbandry.
(3) Motor vehicles owned by the state, or any county, city, district, or political subdivision of the state, or the United States.
(4) Motor vehicles owned or operated by, or operated under contract with a utility, whether privately or publicly owned, when used as specified in Section 22512.
(5) Special construction equipment described in Section 565, regardless of whether such motor vehicles are used in connection with highway or railroad work.
(6) A motor vehicle owned or operated by a nonresident of this state, whether or not such vehicle is identified or registered in a foreign jurisdiction. For the purpose of this paragraph, a person who holds a valid driver's license issued by a foreign jurisdiction shall be presumed to be such a nonresident.
(7) Commercial vehicles.
(8) Any motorcycle manufactured in the year 1942 or prior thereto.
(9) Four-wheeled motor vehicles operated solely in organized racing or competitive events upon a closed course when such events are conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.

38020. Except as otherwise provided in this division, no person shall operate, transport, or leave standing any off-highway motor vehicle subject to identification under this code which is not registered under the provision of Division 3 (commencing with Section 4000), unless it is identified under the provisions of this chapter. This section shall not apply to the operation, transportation, or leaving standing of an off-highway vehicle pursuant to a valid special permit.

38115. Every motor vehicle identification and identification certificate issued pursuant to this division shall expire at midnight on the 30th day of June in the second calendar year following the year of issuance of such certificate. The Department may upon payment of the proper fees renew such identification.

OPERATION ON HIGHWAYS:

38025. Notwithstanding the provisions of Section 4000, motor vehicles issued a plate or device pursuant to Section 38160 may be operated or driven upon a highway but only as follows:

(a) On a two-lane highway, only to cross such highway at an angle of approximately 90 degrees to the direction of the roadway and at a place where a quick and safe crossing may be made, or only when the roadway is not maintained by snow removal equipment and is closed to motor vehicles which are subject to registration pursuant to Division 3 (commencing with Section 4000), or only to cross a highway in the manner specified in subdivision (b).

(b) With respect to the crossing of a highway having more than two lanes, or a highway having limited access, such motor vehicles may cross such highways but only at a place designated by the Department of Transportation or local authorities with respect to highways under their respective jurisdictions as a place where such motor vehicles or specified types of such motor vehicles, may cross the highways, and such vehicles shall cross such highways only at such designated places and only in a quick and safe manner.

(c) The Department of Transportation and local authorities with respect to highways under their respective jurisdictions may designate, by the erection of appropriate signs of a type approved by the Department of Transportation, places where such motor vehicles, or specified types of such motor vehicles, may cross any highway having more than two lanes or having limited access.

(d) Motor vehicles identified pursuant to Section 38010 may be towed upon a highway but not driven, if such vehicles display a plate or device issued pursuant to Section 38160.

(e) Motorcycles identified pursuant to Section 38010 may be pushed upon a highway, but not ridden, if such motorcycles have displayed upon them a plate or device issued pursuant to Section 38160.

38027. Motor-driven cycles issued a plate or device pursuant to Section 38160 may be moved, by nonmechanical means only, adjacent to a roadway, in such a manner so as to not interfere with traffic upon the highway, only for the purpose of gaining access to, or returning from, areas designed for the operation of off-highway vehicles, when no other route is available. The Department of Transportation or local authority may designate access routes leading to off-highway parks as suitable for the operation of off-highway vehicles, if such access routes are available to the general public only for pedestrian and off-highway motor vehicle travel.

DEALERS' SPECIAL PERMIT:

38021. (a) A manufacturer, dealer, or distributor, or his agent, owning or lawfully possessing any off-highway motor vehicle of a type otherwise required to be identified hereunder may operate or use such vehicle without an identification certificate and plate or device upon condition that each such vehicle is accompanied by a special permit issued to the manufacturer, dealer, or distributor as provided in this division.

(b) Persons licensed pursuant to Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 need not obtain such a permit provided the vehicle is operated or used under special plates issued to the licensee.

38087. (a) Upon payment of the fees specified in Section 38231, the Department of Motor Vehicles may issue to manufacturers, dealers, distributors, or their agents, a special permit to operate or use for the purpose of delivery, demonstration, or display, off-highway motor vehicles otherwise required to be identified under this division.

(b) Special permits issued pursuant to this section shall expire at midnight on the 30th day of June in the second calendar year following the year of issuance of such permit.

COMPETITION MOTORCYCLE REGISTRATION:

38088. (a) Upon payment of the fee specified in Section 38232, the Department of Motor Vehicles shall issue to the owner of a motorcycle, which the owner has certified as being used exclusively in racing events on a closed course, a special transportation identification device for the purpose of identifying the motorcycle while it is being transported upon a highway to and from racing events on a closed course. Such device may be either a plate or a sticker, whichever is determined by the Department to be the most appropriate.

(b) Such device is nonrenewable, nontransferrable, and becomes invalid when the vehicle for which it was issued is sold or dismantled.

(c) A certificate of ownership may not be issued in conjunction with a special transportation identification device.

OFF-HIGHWAY VEHICLE RECREATION FUNDING:

38225. (a) A service fee of five dollars shall be paid to the Department of Parks and Recreation for the issuance or renewal of identification of off-highway motor vehicles subject to identification, except as expressly exempted under this division.

(b) In addition to the service fee specified in subdivision (a), a special fee of six dollars shall be paid at the time of payment of the service fee. All fees received by the Department pursuant to this subdivision, and all day use, overnight use, or annual or biennial use fees for designated off-highway state recreation areas received by the Office of Off-Highway Motor Vehicle Recreation, shall be deposited in the Off-Highway Vehicle Fund, which is hereby created. There shall be a separate reporting of special fee revenues by vehicle type, including four-wheeled vehicles, motorcycles, and snowmobiles. All money in the fund is continuously appropriated

for expenditure by the office for the purposes specified in Section 8706 of the Public Resources Code.

38230. In addition to the fees imposed by Section 38225, there shall be paid a four dollar ($4) fee for the issuance or renewal of identification for every off-highway motor vehicle subject to identification. The fee imposed by this section is in lieu of all taxes according to value levied for state or local purposes.

38231. The fees for a special permit issued under Section 38087 shall be the prevailing identification fees as set forth in Sections 38225 and 38230 and shall be deposited and distributed as are identification fees under this chapter.

38232. A special fee of three dollars ($3) shall be paid to the department for the issuance of a special transportation identification device issued pursuant to Section 38088 and shall be deposited in the Motor Vehicle Account in the Transportation Tax Fund. Such fee is in lieu of the fees provided in Section 83225.

38235. All money collected by the department under Section 38230 shall be reported monthly to the State Controller and at the same time be deposited in the State Treasury to the credit of the Off-Highway License Fee Fund, which is hereby created.

38240. (a) The State Controller shall allocate the fees collected under Section 38230 in July and January of each fiscal year in the same manner fees are allocated under Section 11005 of the Revenue and Taxation Code.

(b) It is the intent of the Legislature that funds collected under Section 38230 be used for any one or more of the following purposes:

(1) Planning, acquiring, developing, constructing, maintaining, or administering for the use of off-highway motor vehicles, trails, areas, or other facilities.
(2) Controlling the operation of motor vehicles in areas off the highways where the operation of motor vehicles is restricted or prohibited.
(3) Otherwise carrying out the provisions of this division.

NOTE: California Assembly Bills 114 and 835, enacted into law on 9/29/81, contain the following provisions authorizing loans from the OHV Fund:

Section 14, AB 114. (a) On the effective date of this act, the sum of one million dollars ($1,000,000) shall be transferred from the Off-highway Vehicle Fund to the Energy and Resources Fund.

(b) On June 30, 1982, the unencumbered balance of the amount transferred pursuant to subdivision (a) shall revert from the Energy and Natural Resources Fund to the Off-Highway Vehicle Fund.

(c) On July 1, 1982, the difference between the amount transferred pursuant to subdivision (a) and the amount reverted pursuant to subdivision (b) shall be transferred from the revenues deposited in the State Treasury pursuant to section 6217 of the Public Resources Code to the Off-Highway Vehicle Fund.

(d) It is the intent of the Legislature in the provisions of this section to make a loan from the Off-Highway Vehicle Fund to the Energy and Natural Resources Fund for the 1981-82 fiscal year.

Section 8, AB 114; Section 10, AB 835. To the extent that the moneys in those funds may be lawfully expended for these purposes, the unencumbered balance in the State Parks and Recreation Fund and the Off-Highway Vehicle Fund is hereby appropriated to the Department of Parks and Recreation to the extent necessary to make project grants and perform project review for the Parklands Acquisition and Development Program pursuant to item 379-101-721 of the Budget Act of 1981. Any amount expended pursuant to this section shall be reimbursed by the Department of Parks and Recreation to the appropriate fund upon the receipt of the first proceeds from the bonds sold pursuant to the California Parklands Act of 1980.

EQUIPMENT STANDARDS:

-LIGHTING EQUIPMENT-

38335. When operated from one-half hour after sunset to one-half hour before sunrise, each motor vehicle shall be equipped with at least one lighted white headlamp directed toward the front of the vehicle. Such lamp shall be of an intensity sufficient to reveal persons and vehicles at a distance of at least 200 feet.

38345. When operated from one-half hour after sunset to one-half hour before sunrise, each motor vehicle which is not in combination with any other vehicle shall be equipped with at least one lighted red taillamp which shall be clearly visible from the rear.

-BRAKES-

38355. (a) Except as provided in subdivision (b), every motor vehicle shall be equipped with a service brake system which is in good working order and adequate to control the movement of, and to stop and hold to the limit of traction of, such vehicle or combination of vehicles under all conditions of loading and upon any grade on which it is operated.

-EXHAUST SYSTEMS-

38365. (a) Every off-highway motor vehicle, as defined in Section 38006, shall at all times be equipped with an adequate muffler in constant operation and properly maintained so as to meet the requirements of Section 38370, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

(b) The provisions of subdivision (a) shall not be applicable to vehicles being operated off the highways in an organized racing or competitive event upon a closed course or in a hill climb or drag race, which is conducted under the auspices of a recognized sanctioning body or by permit issued by the local governmental authority having jurisdiction.

-EMISSION CONTROL SYSTEM-

38390. No person shall operate or maintain in a condition of readiness for operation any off-highway motor vehicle which is required to be equipped with a motor vehicle pollution control device under Part 5 (commencing with Section 43000) of Division 25 of the Health and Safety Code or with any other certified motor vehicle pollution control device required by any other state law or any rule or regulation adopted pursuant to such law, or required to be equipped with a motor vehicle pollution control device pursuant to the Clean Air Act (42 U.S.C. 1857 et seq.) and the standards and regulations promulgated thereunder, unless it is equipped with the required motor vehicle pollution control device which is correctly installed and in operating condition. No person shall disconnect, modify, or alter any such required device. Notwithstanding Section 43107 of the Health and Safety Code, this section shall apply only to off-highway vehicles of the 1978 or later model year.

38391. No person shall install, sell, offer for sale, or advertise any device, apparatus, or mechanism intended for use with, or as a part of, any required off-highway motor vehicle pollution control device or system which alters or modifies the original design or performance of any such motor vehicle pollution control device or system.

38395. This article shall not apply to an alteration, modification, or modifying device, apparatus, or mechanism found by resolution of the State Air Resources Board either:

(a) To not reduce the effectiveness of any required off-highway motor vehicle pollution control device; or

(b) To result in emissions from any such modified or altered off-highway vehicle which are at levels which comply with existing state or federal standards for that model year of the vehicle being modified or converted.

-SPARK ARRESTER-

4442. Except as otherwise provided in this section, a person shall not use or operate any internal combustion engine which is operated on hydrocarbon fuels on any forest-covered land, brush-covered land, or grass-covered land without providing, and maintaining in effective working order, a spark arrester attached to the exhaust system. For the purposes of this section, a spark arrester is a device constructed of non-flammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over .0232 of an inch in size from the exhaust flow of an internal combustion engine that is operated by hydrocarbon fuels. Motor trucks, truck tractors, buses and passenger vehicles, except motorcycles, are not subject to the provisions of this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code.

Spark arresters affixed to the exhaust system of engines or vehicles, as described in this section, shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

4442.5. After January 1, 1974, no person shall sell, offer for sale, lease, or rent to any person any internal combustion engine subject to the provisions of Section 4442, and not subject to the provisions of Section 13005 of the Health and Safety Code, unless he provides a written notice to the purchaser or bailee, at the time of sale or at the time of entering into the lease or rental contract, stating that the use or operation of the engine on any forest-covered, brush-covered, or grass-covered land, without providing, and maintaining in effective working order, a spark arrester, as defined in Section 4442, attached to the exhaust system, constitutes a violation of the provisions of Section 4442.

NOTE: This requirement appears in the California Public Resources Code.

OFF-HIGHWAY VEHICLE NOISE LIMITS:

38370. (a) The Department of Motor Vehicles shall not identify a new off-highway motor vehicle subject to identification which produces a maximum noise exceeding the following noise limits at a distance of 50 feet from the centerline of travel under test procedures established by the Department of the California Highway Patrol.

(1) Any such vehicle manufactured before January, 1973.....92 dBA
(2) Any such vehicle manufactured on or after January 1, 1973, and January 1, 1975.....88 dBA
(3) Any such vehicle manufactured on or after January 1, 1975.....86 dBA

(b) The Department may accept a dealer's certificate as proof of compliance with this section.

(c) Test procedures for compliance with this section shall be established by the Department of the California Highway Patrol, taking into consideration the test procedures of the Society of Automotive Engineers.

(d) No person shall sell or offer for sale a new off-highway motor vehicle subject to identification which produces a maximum noise exceeding the noise limits set forth in subdivision (a) for which noise emission standards or regulations have not been adopted by the Administrator of the Environmental Protection Agency pursuant to the Federal Noise Control Act of 1972 (P.L. 92-574).

(e) No person shall sell or offer for sale a new off-highway motor vehicle subject to identification which produces noise that exceeds or in any way violates the noise emission standards or regulations adopted for such a motor vehicle by the Administrator of the Environmental Protection Agency pursuant to the Federal Noise Control Act of 1972 (P.L. 92-574).

(f) As used in this section the term "identify" is equivalent to the term "licensing" as used in Section 6(e)(2) of the Federal Noise Control Act of 1972 (P.L. 92-574).

(Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971, Division 16 Motor Vehicle Code)

OFF-HIGHWAY RECREATION OFFICE AND FUNDING:

8700. This division shall be known and may be cited as the Off-Highway Vehicle Recreation Act of 1980.

8701. There is hereby created the Office of Off-Highway Motor Vehicle Recreation in the Department of Parks and Recreation.

8701.2. The office shall be under the direction of the Chief of Off-Highway Recreation who shall be appointed by the Director of Parks and Recreation and report to the director.

The office shall manage, oversee, and direct the Off-Highway Vehicle Fund and be responsible for coordinating the planning, acquisition, development, construction, maintenance, administration, operation, and conservation of trails and areas for the use of off-highway motor vehicles.

It is the intent of the Legislature that the office should oversee any and all operations, projects, or activities by the Department of Parks and Recreation involving off-highway vehicles or the fund.

8702. The Legislature finds that vehicles not intended for use on the highway are enjoying an ever-increasing popularity in California and that indiscriminate and uncontrolled use of such vehicles has a deleterious impact on the environment, wildlife habitats, and native wildlife.

The Legislature hereby declares that adequate facilities for the use of off-highway vehicles are essential to maintenance of a desirable ecological balance. It is the intent of the Legislature that:

(a) Existing off-highway facilities be expanded.
(b) New facilities, including parks, trails, and access areas, be provided.

8703. "Office" means the Office of Off-Highway Motor Vehicle Recreation.

8704. "Fund" means the Off-Highway Vehicle Fund created pursuant to subdivision (b) of Section 38225 of the Vehicle Code.

8705. "Off-highway motor vehicle" means an "off-highway motor vehicle" as defined in Section 38006 of the Vehicle Code.

8706. Utilizing special fee funds, revenues transferred from the Motor Vehicle Fuel Account in the Transportation Tax Fund, unexpended services fees, and use fees in the fund, the office shall carry out programs of planning, acquisition, development, construction, maintenance, administration, operation, and conservation of trails, areas, and other facilities for the use of off-highway motor vehicles. Such funds, revenues, and fees shall be allocated as follows:

(a) An amount, not to exceed 50 percent of the special fee and Motor Vehicle Fuel Account transfer revenues, shall be made available for grants to cities, counties, and appropriate districts for recreation projects for off-highway motor vehicles in accordance with local government planning and the statewide plans for trails for recreational motor vehicles developed by the office. Except as provided in Section 8707, local governments, to be eligible for these funds, shall provide matching funds, or the value of services, materials, or property used, in an amount not less than 25 percent of the total expense of the off-highway motor vehicle facility.

Portions of this amount not allocated to cities, counties, and appropriate districts shall be available to the office for cooperative agreements with federal agencies for acquisition projects or development projects, or both, for the recreational use of off-highway motor vehicles.

(b) The remainder of the special fee funds, Motor Vehicle Fuel Account transfer revenues and all unexpended service fees, and all use fee funds, shall be expended by the office for recreational areas, trails, and other facilities for the use of off-highway motor vehicles.

8707. Nothwithstanding subdivision (a) of Section 8706, there shall be no matching fund requirement imposed with respect to any grant or portion of any grant that consists of funding for the planning, acquisition, development, or construction of a regional off-highway motor vehicle project. The office shall adopt criteria for the determination of which projects are regional. The criteria shall take into account, at a minimum, all of the following:

(a) That the project for which a grant is requested is or will be primarily for casual usage.
(b) The size of each project.
(c) The diversity of vehicle-related recreational activities to be provided by the project.
(d) The size of the population of potential users of the project and the extent of the geographic area to be served by the project.
(e) The potential for each project for which a grant is requested to become financially self-sustaining.

(AB 2111, 1980 Laws, Division 7.8, Public Resources Code).

COLORADO

NOTE: The Colorado OHV recreation program has been terminated as of 12/31/81 with respect to registration and OHV recreation funding and development.

DEFINITIONS:

33-43-101. "Recreation vehicle" means a self-propelled wheeled or track vehicle primarily designed to be operated for recreational purposes on land, or on land and water, other than roads or highways, for which registration as a motor vehicle is not required by the provisions of Article 3 of Title 42, C.R.S. 1973. "Recreational vehicle" does not include self-propelled golf carts which are used exclusively upon golf courses. For the purposes of this article, the term "recreational vehicle" includes sonwmobiles as defined in Article 7 of this title; except that snowmobiles shall be subject to the registration provisions of said article.

"Dealer" means a person, partnership, or corporation engaged in the business of selling recreation vehicles at wholesale or retail in this state.

"Manufacturer" means a person, partnership, or corporation engaged in the business of manufacturing recreational vehicles in this state.

OHV REGISTRATION:

33-43-102. (1) Except as otherwise provided it is unlawful to operate any recreational vehicle within the state unless such vehicle has been registered in accordance with the provisions of this article. The Division of Parks and Outdoor Recreation is authorized to assign identification numbers and register recreational vehicles.

(2) Fees for the registration of recreational vehicles by owners, to be collected by the Division under this article, are as follows:

(a) A fee of five dollars per year for each original or renewal registration by an owner for all or part of a calendar year.

(b) A fee of five dollars for each renewal registration.

(3) Fees for registration by dealers and manufacturers are as follows:

(a) The total registration fee for all recreational vehicles owned by a dealer which are operated for demonstration, rental, or testing purposes only shall be twenty-five dollars per year.
(b) The total registration fee for all recreational vehicles owned by a manufacturer and operated for research, testing, experimental, rental, or demonstration purposes shall be twenty-five dollars per year.

(4) No registration under this section shall be required for the following described recreational vehicles:

(a) Recreational vehicles covered by a valid license of another state or country which have not been within this state for more than thirty consecutive days.
(b) Recreational vehicles used solely upon race tracks or courses.

PARKS MOTORIZED RECREATIONAL TRAILS FUND:

33-43-105. Fees for registration of recreational vehicles shall be credited to the "Parks Motorized Recreational Trails Fund" for the establishment and maintenance of motorized recreational trails and the administration of this article, and fees deposited in said fund pursuant to 33-43-105 shall be used for the establishment and maintenance of snowmobile trails, including access there to, and for the administration of Article 7 of this title.

POWERS OF THE DIVISION OF PARKS AND OUTDOOR RECREATION:

33-43-106. The Division of Parks and Outdoor Recreation shall adopt rules and regulations in the manner provided by Article 4 of Title 24, C.R.S. 1973, for the following purposes:

(a) Required equipment for recreational vehicles.
(b) Registration of recreational vehicles and display of registration numbers.
(c) Formulation, in cooperation with appropriate federal agencies, of regulations for uniform maps and signs for use by the state, counties, and cities to control, direct, or regulate the operation and use of recreation vehicles.

(Colorado Revised Statutes Section 33-43-101)

#302 - SAFETY EQUIPMENT - COLORADO PARKS DEPARTMENT REGULATIONS

a. Except as provided by law, every recreational vehicle operating in this state shall be equipped with a muffler in good working order which conforms to the standards set forth in C.R.S. 1973, 42-4-222, as amended.*

b. Every recreational vehicle operating in this state shall be equipped with a spark arrester in good working order which has been approved by the U.S. Forest Service and listed in the "Spark Arrester Guide Forest Service USDA December, 1966", as amended.

c. No recreational vehicle shall be operated between the hours of sunset and sunrise unless it is equipped with at least one head lamp having minimum candlepower of sufficient intensity to reveal persons or objects at a distance of at least 100 feet ahead under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of operators in oncoming vehicles.

d. No recreational vehicle shall be operated between the hours of sunset and sunrise unless it is equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions.

e. No recreational vehicle shall be operated unless it is equipped with brakes adequate to control the movement of, and to stop and to hold, the recreational vehicle under any conditions of operation .

*State law provides that off-highway motorcycles, except motorcycles designed exclusively for racing, must comply with the following sound level limits, measured at 50 feet:

DATE OF MANUFACTURE	SOUND LIMIT
Manufactured on or after January 1, 1971 and before January 1, 1973	86 dBA
Manufactured on or after January 1, 1973	84 dBA

In addition, counties or municipalities may adopt OHM noise ordinances with the following sound level limits, measured at 50 feet:

SPEED 35 MPH OR LESS	SPEED MORE THAN 35 MPH BUT LESS THAN 55 MPH
82 dBA	86 dBA

CONNECTICUT

DEFINITIONS:

14-379. "All terrain vehicle" means a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways which is not eligible for registration under Chapter 246.

14-379. "All terrain vehicle dealer" means any person engaged in the business of manufacturing and selling new all terrain vehicles, or both, having an established place of business for the manufacture, sale, trade, or display of such vehicles.

OHV REGISTRATION

14-380. On or after October 1, 1971, no person shall operate and no owner shall permit the operation of any all terrain vehicle unless the owner holds a valid, effective registration awarded by this state or by another state or by the United States, provided such state or district of registration grants substantially similar privileges for all terrain vehicles owned by residents of this state and registered under its laws. The provisions of this section shall not apply (1) to the operation of an all terrain vehicle on premises owned or leased by the owner of such all terrain vehicle or (2) to the operation of a snowmobile in any organized contest as long as such snowmobile is operated in the contest area, provided the owner of such snowmobile holds a valid, effective registration awarded by this state or by another state of the United States.

14-381. Any owner desiring to register an all terrain vehicle shall apply to the commissioner and shall file evidence of ownership by affidavit or document. The certificate of registration shall be carried on such all terrain vehicle and shall be available for inspection whenever such all terrain vehicle is being operated. The owner shall pay a fee of four dollars for each all terrain vehicle so registered. Each such certificate of registration shall expire annually on the last day of March.

NOTE: The all terrain vehicle registration provision has never been implemented for off-highway motorcycles. The state parks department currently requires a highway registration for operation in state trails and areas.

DEALER'S REGISTRATION:

14-383. Each all terrain vehicle dealer, as defined by section 14-379 shall register with the commissioner who shall assign a distinguishing number and issue three registration plates bearing the number assigned to such dealer. The fee for such registration shall be ten dollars. A registration plate shall be attached to each all terrain vehicle, which may be used only for the purposes of demonstration or sale.

REQUIREMENTS FOR OPERATION:

14-387. No person shall operate an all terrain vehicle in the following manner:

(1) On any public highway, except such all terrain vehicle, if operated by a licensed motor vehicle operator, may cross a public highway if the crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a location where no obstruction prevents a quick and safe crossing, the all terrain vehicle is completely stopped before entering the traveled portion of the highway and the driver yields the right of way to motor vehicles using the highway, provided nothing in this subsection shall be construed to permit the operation of an all terrain vehicle on a limited access highway, as defined in subsection (a) of section 13a-1;

(2) in such a manner that the exhaust of the all terrain vehicle makes an excessive or unusual noise;

(3) without a functioning muffler, subject to the provisions of subsection (c) of section 14-80, properly operating brakes, sufficient and adequate front and rear lighting and reflecting devices;

(4) in any manner which would cause harrassment of any game or domestic animal;

(5) on any fenced agricultural land or posted land without the written permission of the owner, or the agent of the owner, or in the case of state-owned land, without the written permission of the state agency or institution under whose control such land is, or in the case of land under the jurisdiction of a local municipality without the written permission of such municipality; and

(6) on any railroad right of way.

Nothing in this chapter shall preclude the operation of an all terrain vehicle:

(A) on the frozen surface of any public body of water, provided any municipality may by ordinance regulate the hours of operation of all terrain vehicles on public waters within such municipality; or

(B) on any abandoned or disused railroad right of way or in any place or upon any land specifically designated for the operation of all terrain vehicles by statute, regulation, or local ordinance. Any person who violates any provision of this section shall have committed a separate infraction for each such violation.

NOTE: State law provides no acoustic limit for off-road noise emission.

POWERS OF THE MOTOR VEHICLE COMMISSION:

14-389. In the performance of his duties under this chapter, the commissioner shall (1) prescribe uniform standards for such safety devices and equipment as he deems necessary and certify the types of devices and equipment which meet such standards and (2) promulgate such regulations respecting the registration, operation, sale, and leasing of all terrain vehicles as he finds necessary for public safety. The commissioner may enter into reciprocal agreements with the commissioner of motor vehicles or other like authority of any other state for the purposes of carrying out the provisions of this chapter.

(Connecticut General Statutes Section 14-379)

DELAWARE

DEFINITIONS:

101. "Off-highway vehicle" or "OHV" means a motor-driven off-road vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. It includes, but is not limited to, a multi-wheel drive or low pressure tire vehicle, a motorcycle or related two-wheel vehicle, an amphibious machine, a ground effect air-cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. "OHV" does not include a farm vehicle being used for farming, a vehicle use for military, fire, emergency, or law enforcement purposes, a construction or logging vehicle used in performance of its common function, or a registered aircraft. However, nothing in this chapter shall be construed to include snowmobiles.

"OHV dealer" includes every person engaged in the business of buying, selling, or exchanging off-highway vehicles in that portion of this state located north of the Chesapeake and Delaware Canal. Persons offering OHV's for final delivery in that portion of this state located north of the Chesapeake and Delaware Canal through direct-mail order or through a catalog-order facility, regardless of where located, are considered to the "OHV dealers", and subject to the provisions of this chapter.

OHV REGISTRATION:

6801. (a) Except as hereinafter provided, no person shall operate any off-highway vehicle within that portion of the state located north of the Chesapeake and Delaware Canal unless such vehicle has been registered with the Department of Public Safety in accordance with the provisions of this chapter. Such registration shall not permit the vehicle to be operated on any highway except as hereinafter specifically provided.

6803. (a) The fee for registration of each off-highway vehicle, other than those registered by a dealer or manufacturer pursuant to clause (s) of this subdivision, shall be $6.00 for three years. All fees shall be waived for OHV's owned and used by the United States, or other state, or of this state or political subdivision thereof.

(b) OHV's owned by a licensed OHV dealer, as specified in 6809, Chapter 68, Title 21, Delaware Code, and operated for demonstration or testing purposes are exempt from a registration fee.

6810. (a) A vehicle registered under Title 21, Title 23 (boats), or Title 2 (aircraft), Delaware Code, is exempt from the registration provisions of this Chapter.

(b) Registration is not required for an OHV which is operated exclusively in a special event upon a special area location of limited duration which is conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.

DEALER LICENSING:

6809. OHV dealers, as defined herein, shall be licensed by the Department of Public Safety in accordance with such rules and regulations as may be promulgated by the Secretary. A fee of $50.00 shall be assessed for such license which shall be valid for three years. OHV dealers are not transferable and may be revoked for violation of such rules and regulations as may be specified for that privilege. OHV dealers

shall be required to carry personal liability insurance in an amount at least equal to that required of dealers under no-fault insurance provisions or as otherwise specified by the Department.

VEHICLE IDENTIFICATION NUMBER:

6811. Beginning not later than January 1, 1978, a manufacturer of an OHV shall stamp or permanently affix to the frame or body members of the OHV an identifying number unique to that vehicle in an easily visible location. The VIN shall be entered on the registration certificate issued by the Department to the OHV owner.

OPERATION ON PUBLIC HIGHWAYS:

6814. (a) Registered OHVs shall not be operated upon a public highway or street or sidewalk or right-of-way thereof located north of the Chesapeake and Delaware Canal except under the following conditions:

(1) An OHV may be pushed across or along such public way provided such OHV is in neutral or that the power train is otherwise disengaged, and further provided that such use shall be in conformance with Title 21, Chapter 41, Delaware.
(2) An OHV may be operated on a street or highway located north of the Chesapeake and Delaware Canal for a special event of limited duration, conducted according to a prearranged schedule only under permit from the governmental unit having jurisdiction.

EQUIPMENT STANDARDS:

-LIGHTING EQUIPMENT-

6817. A person shall not operate an OHV during the period after sunset until sunrise without displaying a lighted headlight and lighted tail light.

-BRAKES-

6818. A person shall not operate an OHV unless such OHV is equipped with a brake or similar device adequate to control the movement of and to stop and to hold such OHV.

-SPARK ARRESTOR MUFFLERS - NOISE LIMIT-

6820. (a) A person shall not operate an OHV unless such OHV is equipped with a spark arrestor type muffler, in good working order and in constant operation, from which noise emission under 60% of the maximum RPM measured at 50 feet at right angles from the vehicle path on a constant speed pass by measurement does not exceed 88 dBA on a sound level meter which meets the requirements of ANSi-514197, using procedure and ancillary equipment therein described. During the test procedure, the ambient sound including wind effects due to sources other than the OHV being measured shall be at least 10 dBA lower than the anticipated level of the test OHV. A vehicle subject to the Act, manufactured or assembled after January 1, 1978, and used, sold, or offered for sale in this state shall conform to the noise emission levels of this Act unless preempted by federal EPA legislation.

(b) Competition vehicles shall be exempted from the provisions of this section only while in competition.

-HELMET-

6823. A person shall not operate a two-wheel or three-wheel OHV unless the operator and all passengers are wearing a protective helmet on their heads, with the chin traps properly fastened, meeting American National Standards Institute (ANSi) Z-90.1, 1966-1971 specifications or specifications as may be subsequently revised by American National Standards Institute.

MINIMUM AGE TO OPERATE:

6824. (a) A person less than twelve (12) years of age may operate an OHV only if:

(1) He is under the direct supervision of a person who is at least 18 years of age; or
(2) He is on land owned by or under the control of his parent or legal guardian.

(b) Persons twelve (12) years of age and older may operate an OHV without adult supervision provided such use is in compliance with all other provisions of this Chapter.

ORV SAFETY EDUCATION:

6826. (a) The Department of Public Safety shall implement a comprehensive OHV information and safety education program which shall include the preparation and dissemination of information and safety advice to the public.

(b) In implementing a program which is established pursuant to this section, the Department shall cooperate with private organizations and associations, private and public corporations, the Department of Public Instruction, state and local parks and recreation departments, local government units, and local and county law enforcement agencies.

OHV REGULATORY AUTHORITY:

6834. The Secretary of Public Safety may adopt and enforce such rules and regulations concerning off-highway vehicles, and designate such agencies as may be necessary to carry out the provisions of this chapter, provided such rules and regulations are not contrary to the provisions of this Chapter.

-OHV TRAILS/AREAS-

Section 7. It is declared to be legislative intent that OHV trails and/or areas be provided, and such trails and/or areas be provided, and such trails and/or areas, when possible, should be on publicly owned property. Therefore, the Department of Natural Resources and Environmental Control is hereby instructed to immediately begin to study the feasibility and suitability of areas under its administration and shall determine and designate trails and/or areas where OHV operation shall be permitted. Such study shall be completed and a report made to the General Assembly by January 1, 1978. All other state agencies, and political subdivisions of the state of Delaware, those districts, boards, and agencies under the State Department of Public Instruction, are hereby instructed to immediately study their facilities and to provide such trails and/or areas as are consistent with their basic purposes and programs.

-DISPOSITION OF REGISTRATION RECEIPTS-

Section 8. Income accrued from the collection of registration fees under this Chapter is appropriated to the Department (Division of Motor Vehicles) and shall be placed in a special account to be used for expenses incurred in the administration of the provisions of this chapter. All OHV registration fees collected hereunder which are unexpended or unencumbered at the end of each fiscal year shall revert to the General Fund of the State of Delaware.

(Delaware Code Annotated,
Title 21, Section 6801)

FLORIDA

OHV DEFINITION:

375.312. "Off-road vehicle" means any motor vehicle under this act which is not licensed or registered under Chapter 320, except those vehicles when used in timber harvest, reforestation, or other industry as may be directed by the landowner or mineral owner.

OHV REGISTRATION:

375.315. (1) Any off-road vehicle operated upon public lands and not registered or licensed under S. 320.00 or S. 320.06 must be registered as provided in this section.

(2) Upon the filing of a fish and game application by the owner of an off-road vehicle, the Fish and Game Commission shall assign such motor vehicle a registration license number and shall deliver to the owner a certificate of registration and one registration decal for each motor vehicle so registered.

(3) Registration shall be renewed annually upon payment of an annual registration fee for off-road vehicles not to exceed $10.

OHV REGULATORY AUTHORITY:

375.313. The commission shall:

(1) Regulate or prohibit, when necessary, the use of motor vehicles on the public lands of the state in order to prevent damage or destruction to said lands.
(2) Collect any registration fees imposed by S. 375.315 and deposit said fees in the State Game Trust Fund. The revenue resulting from said registration shall be expended for the funding and administration of S. 375.311-375.315.
(3) Adopt and promulgate such reasonable rules as deemed necessary to administer the provisions of S. 375.311-375.315, except that, before any such rules are adopted, the commission shall obtain the consent and agreement, in writing, of the owner, in the case of privately owned lands, or the owner or primary custodian, in the case of publicly owned lands.

589.071. Traffic control within state forest lands. The Division of Forestry on behalf of the state may adopt rules to control ingress, egress, and all other movement of motor vehicles, bicycles, horses, pedestrians as well as all other types of traffic within a state forest outside of the designated right-of-way of state or county maintained roads, and may designate special areas off of the roadways for the operation of recreational type vehicles which need not be licensed or operated by licensed drivers. Violation of the provisions of this act or rules adopted pursuant hereto is punishable as provided in S. 316.026.

(Florida Statutes Section 375.311, 589.071)

GEORGIA

OHV DEFINITION:

68-2401. "Off-road vehicle" shall mean any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain and not intended for use predominantly on public roads. It includes, but is not limited to, four-wheel drive or low-pressure tire vehicles, two-wheel vehicles, amphibious machines, ground-effect or air-cushion vehicles, and any other means of transportation deriving power from any source other than muscle or wind; except that such term shall exclude any motorboat, any military, fire or law enforcement vehicle, any vehicle used exclusively on airports, all farm machinery, farm tractors, and other self-propelled equipment for harvesting and transportation of forest products, for clearing land for planting, for utility services and maintenance, for earth moving, construction, or mining, or self-propelled lawnmowers, snowblowers, garden or lawn tractors, or golf carts while such vehicles are being used exclusively for their designed purposes.

OPERATING RESTRICTIONS:

68-2404. Any person operating an off-road vehicle under any of the following conditions shall be deemed to be in violation of this act and subject to the penalties provided for in Section 6:

(a) without operative brakes, or without mufflers, or other silencing equipment;
(b) on any private property without the expressed written permission of the owner of the property or his agent.

REGULATORY AUTHORITY:

68-2405. (a) Incorporated towns and municipalities and counties shall have the authority to adopt ordinances consistent with state laws or regulations to regulate time periods and zones of use for off-road vehicles.

(b) Agencies of state government shall have the authority to adopt rules and regulations to regulate time periods and zones for use for off-road vehicles on property under their jurisdiction or management.

(Georgia Code Section 68-2401)

HAWAII

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

IDAHO

OHV REGISTRATION:

49-2702. Commencing July 1, 1972 and on or before July 1 of each subsequent year, the owner of any vehicle as defined by subsections (c) and (d) of (former) Section 49-502, which is not registered for operation upon the public highways, but operated upon the property of another, shall register that vehicle in the county of which he is a resident. A fee of three dollars ($3) shall be charged for each registration. Application blanks and stickers shall be supplied by the Department of Law Enforcement and such registration sticker shall be issued to the person making application for registration. All stickers which are issued shall be in force through July 1 of the following year. All registration stickers shall be renewed by the owner of the off-highway vehicle in the same manner provided for in the initial securing of the same.

OHV NOISE LIMIT:

49-2705. All vehicles subject to registration under this act and all nonresident vehicles operated on public lands of the state shall comply with the noise abatement provisions specified in Section 49-835, the same as though they were highway operated vehicles.

49-835. (a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway. When any motor vehicle was originally equipped with a noise suppressing system or when any motor vehicle is required by law or regulation of this state or the federal government to have a noise suppressing system, that system shall be maintained in good working order and no person shall disconnect any part of that system except temporarily in order to make repairs, replacements, or adjustments, and no person shall modify or alter that system or its operation in any manner, except to conform to the manufacturer's specifications. No person shall knowingly operate and no owner shall knowingly cause or permit to be operated any motor vehicle originally equipped or required by any law or regulation of this state or the federal government to be equipped with a noise suppressing system while any part of that system is disconnected or while that system or its operation is modified or altered in any manner, except to conform to the manufacturer's specifications.

"Excessive or unusual noise" as used in this section includes, but is not limited to, any sound made by a passenger motor vehicle or a motorcycle at any time under any condition of grade, speed, acceleration or deceleration, which exceeds ninety-two (92) decibels, or, any lower decibel level that is fixed by law or the rules and regulations regularly adopted by the board of environmental and community services, on the A scale of a General Radio Company No. 1551-B sound level meter, or equivalent, stationed at a distance of not less than twenty (20) feet to the side of such vehicle or motorcycle as such vehicle or motorcycle passes the soundmeter or is stationed not less than twenty (20) feet from a stationary motor or engine.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(c) No person shall modify the exhaust system of a motor vehicle or a motorcycle in a manner which will amplify or increase the noise of such vehicle or motorcycle above that emitted by the muffler originally installed on the vehicle by the manufacturer.

(d) A showing that the sound made by a passenger motor vehicle or motorcycle exceeds the maximum allowable decibel level shall be prima facie evidence of a violation of subdivision (a) of this section.

(e) No person shall sell, offer for sale, or install any noise suppressing system or device which will produce excessive or unusual noise as defined in subsection (a) of this section.

MOTORBIKE RECREATION FUND:

49-2706. There is hereby created in the state treasurer's office a fund to be known and designated as the "Motorbike Recreation Fund". The three dollars ($3) fee collected for registration stickers shall be allocated as follows:

1. Twenty-five cents (25¢) shall be retained by the county and deposited in the county general fund;
2. Forty cents (40¢) shall be alloted to the Department of Law Enforcement for the production of registration stickers, which moneys shall be placed in the Motor Vehicle Fund; and
3. The remaining two dollars and thirty-five cents ($2.35) shall be transmitted to the state treasurer's office for deposit to the credit of the Motorbike Recreation Fund, all such moneys to be transmitted to the state treasurer on or before the 10th day of each month.

49-2707. The state park board shall administer the Motorbike Recreation Fund. The moneys derived from this fund shall be used as follows:

1. For the securing of special leases or permits, or for the actual purchase of land under private, state, or federal ownership to be used for recreational motorbike activity;
2. For the securing, maintenance, construction, or development of trails and other recreational facilities for off-road motorbike use on state and federal lands;
3. To finance the formulation and implementation under the state park board's direction of an off-the-road rider education program;
4. With the consent of the advisory committee, to acquire applicable federal matching funds, provided the funds so derived are spent on projects that have the prior approval of the advisory committee.

OFF-HIGHWAY MOTORCYCLE ADVISORY COMMITTEE:

49-2708. The state park board shall appoint an advisory and planning committee of six (6) members. The membership of the advisory and planning committee shall be selected from a list of three (3) nominees from each state park board district, as defined in Section 67-4221. The list of nominees shall be submitted by the Idaho motorcyclist association and the Idaho trail machine association. Each member of the advisory and planning committee shall be chosen by the state park board to serve a term of four (4) years, except that the term of the initial appointees shall commence on the date of appointment and shall be staggered lengths. Each member of the advisory and planning board shall be a qualified elector of the state. The members of the advisory and planning board shall serve without salary, however, they shall receive travel and standard state per diem expenses upon submission of signed vouchers. Duties shall include:

1. Representation of the best interests of recreational motorbike acitivity in the districts from which they are appointed;
2. To meet with the state park board at least twice each year;
3. To be co-responsible with the state park board to administer the Motorbike Recreation Fund.

(Idaho Code, Section 49-2701)

ILLINOIS

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

INDIANA

DEFINITIONS:

14-1-3-1. "Off-road vehicle" means a motor-driven vehicle capable of cross country travel, without benefit of a road or trail, on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain. It includes, but is not limited to, a multi-wheel drive or low pressure tire vehicle, amphibious machine, ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. It does not include a farm vehicle being used for farming, a vehicle used for military or law enforcement purposes, a construction, mining or other industrial related vehicle used in performance of its common function, a snowmobile, or a registered aircraft and does not include for registration any other vehicle properly registered by the Bureau of Motor Vehicles, and any watercraft which is registered pursuant to Indiana statutes.

"Dealer" means any person engaged in the commercial sale of snowmobiles or off-road vehicles.

OHV REGISTRATION:

14-1-3-2. (a) Except as otherwise provided, no off-road vehicle shall be operated on public property unless registered with the Department of Natural Resources.

(b) Registration is not required for vehicles which are operated exclusively in a special event of limited duration which is conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction.

USES OF REGISTRATION REVENUES:

14-1-3-4. The revenues obtained pursuant to this chapter shall be dedicated to the Department of Natural Resources for purposes of enforcement and constructing and maintaining vehicle trails.

VEHICLE IDENTIFICATION NUMBERS:

14-1-3-5. Beginning December 1, 1971, a manufacturer of a vehicle shall stamp into the frame of the vehicle an identifying number unique to that vehicle. The number shall be stamped where it is easily visible with a minimum of physical effort and it shall be termed the vehicle number. A manufacturer shall furnish to a requesting police agency or the Department of Natural Resources, information as to the location of the vehicle numbers on vehicles it produces. The vehicle number shall be printed on the registration certificate issued by the Department to the vehicle owner.

DEALER'S AND MANUFACTURER'S REGISTRATION:

14-1-3-7. A dealer or manufacturer, upon application to the Department of Natural Resources, upon forms provided by it, may obtain certificates of registration for use in the testing or demonstrating of such vehicles upon payment of ten dollars ($10.00) for each of the first two (2) registration certificates. Additional certificates, as the dealer may require, may be issued at a cost of five dollars ($5.00) each and used by the applicant only in the testing or demonstrating of off-road vehicles by temporary placement of the numbers on the vehicle being tested or demonstrated. Such certificate shall be valid for a period of three (3) years.

OPERATION ON HIGHWAYS - MINIMUM AGE TO OPERATE:

14-1-3-11. (a) A person shall not operate a vehicle required to be registered under this chapter upon a public highway or street or right-of-way thereof or on a public to private parking lot not specifically designated for the use of off-road vehicles except under the following conditions:

(1) A vehicle may be operated on the public right-of-way adjacent to the traveled portion of the public highway, except a limited access highway, if there is sufficient width to operate at a reasonable distance off and away from the traveled portion and in a manner so as not to endanger life or property.
(2) The operator of a vehicle may cross a public highway, other than a limited access highway, at right angles for the purpose of getting from one area to another when the operation can be done in safety. The operator shall bring his vehicle to a complete stop before proceeding across any public highway and shall yield the right-of-way to all traffic.
(5) A vehicle may be operated on a street or highway for a special event of limited duration conducted according to prearranged schedule only under permit from the governmental unit having jurisdiction.

(b) A person under the age of fourteen (14) shall not operate a vehicle without the immediate supervision of a person eighteen (18) years of age or older except on land owned or under the control of such persons or his parent or legal guardian.

(c) No person shall operate a vehicle, as defined in this chapter, on a public highway without a valid motor vehicle driver's license.

EQUIPMENT STANDARDS:

-LIGHTING, BRAKES-

14-1-3-12. A vehicle shall not be operated unless it has at least one (1) headlight, one (1) taillight, and adequate brakes capable of producing deceleration at fourteen (14) feet a second on level ground at a speed of twenty (20) miles per hour.

-EXHAUST SYSTEM-

14-1-3-14. A person shall not operate a vehicle unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

POWERS OF THE DEPARTMENT OF NATURAL RESOURCES:

14-1-3-16. The Department shall have the authority and power and it is hereby made its duty to prescribe the form of accident reports and registration certificates and the form of application for such certificates; to carry on a campaign of education with respect to safety in the operation of off-road vehicles in connection with the use and enjoyment of the public and private lands of this state and with respect to the laws of this state relating thereto; to construct and maintain vehicle trails on public and private lands consistent with the intent of this chapter. The Intent of Chapter: It is the general intent and purpose of the General Assembly in enacting this chapter, to promote safety for persons and property, responsible enjoyment in and connected with the use and operation of snowmobiles and off-road vehicles and understanding consistent with the rights of all the citizens of this state.

(Indiana Code, Section 14-1-3-1;
Section 21, Laws 1981).

IOWA

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

KANSAS

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

KENTUCKY

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

LOUISIANA

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

MAINE

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

MARYLAND

DEFINITIONS:

.08-.01. "Off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on land, water, snow, ice, marsh, swampland, or other natural terrain. It includes, but is not limited to, four-wheel drive or low pressure tire vehicles, automobiles, trucks, motorcycles, and related two-wheel vehicles, amphibious machines, ground effect or air-cushion vehicles, and snowmobiles, boats, farm-type tractors, earthmoving or construction equipment, lawn mowers, snow-blowers, garden or lawn tractors, or golf carts. (This definition is provided in this regulation as a convenience, but persons affected by these regulations should be aware that this definition is subject to amendment by the General Assembly.)

"Department lands" means the state forests, wildlife management areas, state parks, fishery management areas, natural environment areas, and natural resource management areas.

.08-.03. (a) A person may operate an off-road vehicle in the areas in Department lands designated in regulation 08.01.03.12, subject to the following restrictions.

1. The operator shall:

   A. Possess a driver's license; or
   B. Possess a Maryland instruction and examination license, commonly known as a learner's permit, and be accompanied by a person possessing a driver's license; or
   C. Be accompanied by his parent or legal guardian, provided that a person under 12 years of age may not operate an off-road vehicle on the areas designated in regulation 08.01.03.12.

2. The vehicle shall be registered with:

   A. The Department of Natural Resources and display an identification tag in accordance with the requirements of this regulation; or
   B. The Motor Vehicle Administration and the operator shall have a valid hunter's or angler's license in accordance with the provisions of the Natural Resources Article.

EQUIPMENT STANDARDS:

08-.05. (a) No off-road vehicle may be operated on Department lands if it does not conform to applicable state laws and regulations relating to registration, operation, and inspection requirements established for these vehicles.

(b) Every off-road vehicle being operated on Department lands between sundown and sunrise shall have in operation at least one headlight, and one red taillight.

(c) Every off-road vehicle operated on Department lands shall be equipped with a braking system adequate to stop and hold the vehicle under all operating conditions.

(d) Every off-road vehicle operated on Department lands shall be equipped, maintained, and operated so as to prevent excessive or unusual noise in accordance with applicable standards and regulations. It shall be equipped at all times with a muffler or other effective noise suppressing system in good working order and in constant operation.

(e) If any off-road vehicle operating on Department lands is manufactured with an emission control system or is required by any law or regulation of this state or the federal government to have an emission control system, that system shall be maintained in good working order.

DISPOSITION OF PROCEEDS:

.08-.06. The fees for the identification tag shall be used to:

1. Identify and post areas for use by off-road vehicles;
2. Patrol and maintain the areas identified for use by off-road vehicles; and
3. Acquire, develop, and manage areas for use by off-road vehicles.

OHV NOISE LIMITS:

.08-.09. (b) Motorcycles and all other off-road vehicles. A person may not operate a motorcycle or any other off-road vehicle on Department lands that produces a maximum noise exceeding the following noise level limits measured at a distance no less than 50 feet from the point of operation under test procedures established by the Society of Automotive Engineers, Inc. (SAE), the American National Standards Institute (ANSI), or the American Society for Testing and Materials (ASTM).

Noise level limits and their effective dates for enforcement are:

Vehicle	Date of Manufacture	Maximum Sound Level at 50 ft. (as tested by SAE J331a or Equivalent)
Motorcycle and all other off-road vehicles	After July 1, 1976	86 dBA
	After January 1, 1979	84 dBA

(c) Exceptions. The provisions of this section do not apply to:

(1) devices used solely for the purpose of warning, protecting, or alerting the public of the existence of an emergency situation; and
(2) the sale or operation of vehicles used in closed-course racetracks.

(Maryland Department of Natural Resources Regulations, Comar .08-.01)

MASSACHUSETTS

OFF-HIGHWAY VEHICLE DEFINITION:

90B:20. "Recreation vehicle", any motor vehicle designed or modified for use over unimproved terrain if used for recreation or pleasure off a public way as defined in Chapter 90, and all legally registered motor vehicles when used off a way, as defined under Chapter 90; provided, however, that for the purpose of vehicles used for agriculture, forestry, lumbering, or construction shall be excluded from this definition when used for such purpose, provided, further, that in any complaint brought under this chapter the burden shall be upon the defendant to prove of such use. Any motor vehicle legally registered under Chapter 90 will not be subject to registration under this chapter but registration numbers will be displayed as required by said Chapter 90.

OHV REGISTRATION:

90B:21. No person shall operate a snow vehicle or a recreation vehicle unless such vehicle has been registered in accordance with the provisions of this chapter, except on land owned by the owner of such vehicle.

90B:22. Application for registration of a snow vehicle or a recreation vehicle shall be made by the owner to the Director of the Division of Marine and Recreational Vehicles on such forms as the Director shall prescribe and shall state the name and address of the owner of such vehicle. Upon receipt of the application and the appropriate fee, as hereinafter provided, such vehicle shall be registered and a registration number assigned which shall be affixed to said vehicle in such manner as the Director shall provide. Such registration shall be valid for a period ending two years from the date of issuance, unless surrendered, suspended, or revoked. The Director shall issue a certificate of registration to each such owner on such form as he shall prescribe. The fee for initial registration of each such vehicle and for each renewal thereof, other than vehicles for which application is made by a manufacturer or dealer as hereinafter provided, shall be ten dollars, except that no fee shall be collected for the registration of any such vehicle owned by the commonwealth or any political subdivision thereof. Application for a manufacturer's or dealer's registration shall be made to the Director in such form as the Director shall prescribe and shall state the name and address of the manufacturer or dealer. The fee for initial registration of recreation vehicles or snow vehicles owned by or under the control of a manufacturer or dealer and for each renewal thereof shall be twenty-five dollars for one year and for each such number assigned and for the renewal thereof ten dollars for two years. The fee for the registration of each snow vehicle or recreational vehicle of a nonresident shall be fifteen dollars. Such registration and each renewal thereof shall be valid for a period ending one year from the date of issuance or renewal, unless surrendered, suspended, or revoked.

EQUIPMENT STANDARDS:

90B:24. Each snow vehicle and each recreation vehicle shall be equipped with one or more headlights, a red rear light , a red reflector, and adequate muffler, and such safety equipment as may be required by the Director. Each such vehicle shall be capable of decelerating in a reasonable manner. Any sled or trailer attached to any such vehicle shall also be equipped with a red rear reflector. All such equipment shall conform to such specifications as the registrar of motor vehicle shall prescribe. No snow vehicle and no recreation vehicle shall be operated which makes an unusual or excessive noise or which emits obnoxious fumes.

OFF-ROAD MOTORCYCLE NOISE LIMIT:

90B:70. No person shall operate a motorcycle intended for use off the highways of the commonwealth and registered under the provisions of Section 22 of Chapter 90B at any time that exceeds one hundred and three decibels measured at twenty inches, or one-half meter, using the prescribed stationary vehicle sound level measurement procedure. For enforcement purposes a tolerance of plus two decibels shall be applied to all measured sound levels of in-use vehicles to provide for variances in equipment calibration, measurement site characteristics and measurement techniques.

Section 2. This act shall take effect on January 1, 1981.

(Massachusetts General Laws
Annotated Chapter 90,
Section 70)

REGULATIONS - RECREATION VEHICLES DIVISION

8. No person shall operate a snow vehicle or recreation vehicle that does not have one or more headlights, a rear light, and a red reflector that conform to the specifications prescribed by the Registrar of Motor Vehicles. No person shall operate a snow vehicle or recreational vehicle without displaying one or more lighted headlights and a lighted tailight during the period from sunset to sunrise and at any time when, due to insufficient light or unfavorable atmospheric conditions, caused by snow, fog, or otherwise, other persons, vehicles, or other objects are not clearly discernible for a distance of 300 feet ahead. Any sled or trailer attached to any such vehicle shall have a red rear reflector.

9. No person shall operate a snow vehicle or recreation vehicle that does not have brakes adequate to control the movement of the vehicle and to stop and hold it under any condition of operation.

10. No person shall operate a snow vehicle or recreation vehicle unless a muffler at least equivalent in noise-reduction capacity to original equipment is properly attached there to and maintained, and reduces the noise of operation of the motor to the minimum necessary for operation. No person shall operate a snow vehicle or recreation vehicle which has been modified by any person in any manner that shall increase total vehicle noise above that emitted by the vehicle as originally constructed.

12. No person shall operate a recreation vehicle other than a snowmobile unless it is equipped with a suitable spark arrestor.

OPERATION ON HIGHWAYS:

90B:25. After coming to a full stop a snow vehicle or a recreation vehicle may cross, as directly as possible, a public way, except a controlled access highway, provided that such crossing can be made in a safe manner and it does not interfere with the free movement of vehicular traffic. The operator of a snow vehicle or a recreation vehicle shall yield the right-of-way to all other vehicular traffic when making such crossing. Whenever it is impracticable to gain immediate access to an area adjacent to a public way where a snow vehicle is to be operated, said snow vehicle may be operated adjacent and parallel to the travelled portion of such public way for the purpose of gaining access to the area of operation. This paragraph shall apply to the operation of a snow vehicle from the point where the snow vehicle is unloaded from a motorized conveyance to the area where the snow vehicle is to be operated, or from the area where operated to a motorized conveyance when such loading or unloading cannot be effected in the immediate vicinity of the area of operation without causing a hazard to vehicular traffic approaching from either direction on said way. Such loading or unloading must be accomplished with due regard to safety, at the nearest possible point to the area of operation.

Except as herein provided, no snow vehicle or recreational vehicle shall be operated on the main traveled portion of a way, or on that portion of a way that has been plowed or on a snow bank immediately adjacent to the plowed portion of the way. Snow vehicles or recreation vehicles may be operated on any way that is not maintained or used for the operation of conventional motor vehicles.

Any vehicle registered under Chapter 90B may be pushed across any way. It may also be pushed adjacent to such way provided at no time shall such vehicle interfere with the normal flow of traffic..

MINIMUM AGE TO OPERATE:

90B:26. No one under the age of sixteen and one-half years of age shall operate a snow vehicle or a recreation vehicle across a public highway. No one under fourteen years of age shall operate a snow vehicle or recreation vehicle unless directly supervised by an adult.

-HELMET REQUIRED-

Every person operating or riding in or on a recreation vehicle or a snow vehicle or on a sled attached thereto shall wear protective headgear conforming with such minimum standards for construction and performance as the Registrar of Motor Vehicles may prescribe.

REGULATORY AUTHORITY:

90B:29. The Director of the Division of Marine and Recreational Vehicles shall, after a public hearing make, alter, amend, or rescind rules and regulations governing the use and operation of snow vehicles and recreation vehicles.

COMPETITION EVENTS:

16. No person shall race a snow or recreation vehicle and no snow and recreational vehicle racing event may be held unless a special permit has been granted by the Director of Recreational Vehicles or his designee, after a public hearing has been held before the selectmen or mayor and council of the city and town in which the event is to be located, and after their recommendations have been received. This permit does not allow for any alterations or modifications in snow vehicle equipment (including removal or alterations of mufflers) unless such alterations or modifications are specified in the permit granted by the Director of Marine and Recreational Vehicles.

(Massachusetts General Laws Chapter 90B, Section 20)

(Massachusetts Division of Marine and Recreation Vehicles Regulations)

MICHIGAN

DEFINITIONS:

257.1601. "ORV" or "vehicle" means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. It includes, but is not limited to a multi-track or multi-wheel drive or low pressure tire vehicle, a motorcycle, or related 2-wheel or 3-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. "ORV" or "vehicle" does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

"Dealer" means a person engaged in the sale, lease, or rental of an ORV as a regular business.

OHV REGISTRATION:

257.1604. Except as otherwise provided, an ORV shall not be operated on, or over, land, snow, ice, marsh, swampland, or other natural terrain unless registered by the owner as provided in this act. Registration is not required for an ORV operated exclusively on land owned by, or under control of, the vehicle owner.

27.1602. A vehicle registered under Act No. 300 of the Public Acts of 1949, as amended, being Sections 257.1 to 257.923 of the Michigan Compiled Laws, or a vehicle registered under Act No. 303 of the Public Acts of 1967, as amended, being

Sections 281.1001 to 281.1199 of the Michigan Compiled Laws, is exempt from the registration provisions of this act, unless the vehicle is operated as an ORV off highways, roadways, streets, and forest roads.

257.1605. Registration is not required for an ORV which is operated exclusively in a special event of limited duration which is conducted according to a prearranged schedule under a permit from the governmental unit having jurisdiction. Registration is not required for an ORV used exclusively in a safety and training program as required in Section 17.

257.1606. (1) Beginning May 1, 1976, and each 3 years thereafter, the owner of an ORV requiring registration by this state shall file an application for registration with the Department of State on forms provided by the Department. The application shall be signed by the owner of the vehicle, and shall be accompanied by a fee of $9.00 if submitted in the first year of the 3-year registration cycle; $6.00 if submitted in the second year; and $3.00 if submitted in the third year.

(2) When the owner of a vehicle which is permitted to be operated on a highway pursuant to Act No. 300 of the Public Acts of 1949, as amended, desires registration to permit use of that vehicle as an ORV, the owner of the vehicle shall make application and payment of appropriate fee as detailed in subsection (1).

257.1607. The revenue received under this act shall be credited to the general fund of the state. From the revenues obtained pursuant to 257.1606, the legislature shall make an annual appropriation to the Department of State for administration of the registration provisions of this act, and to the Department of Natural Resources for purposes of constructing and maintaining trails and areas on lands under its control and restoration of public lands damaged by ORV use; acquiring and leasing lands, easements, and rights of way to provide for additional trails and areas; policing; administration and implementation of a safety education and training program; conducting research on off-road vehicles and their effects and impact on this state and its environment; and acquiring equipment necessary to implement this act. The Department of State and the Department of Natural Resources shall include in their annual budget requests information detailing these programs. The budget request shall not exceed anticipated revenues.

DEALER'S AND MANUFACTURER'S REGISTRATION:

257.1610. A dealer or manufacturer, upon application to the Department of State upon forms provided by the Department, may obtain certificates of registration and registration decals for use in the testing or demonstrating of ORVs upon payment of $10.00 for each of the first 2 registration certificates. Additional certificates and decals, as the dealer may require, may be issued at a cost of $5.00 each and used by the applicant only in the testing or demonstrating of the vehicles by temporary placement of the decals on the vehicle being tested or demonstrated.

VEHICLE IDENTIFICATION NUMBER:

257.1611. (1) Beginning not later than January 1, 1976, a manufacturer of an ORV shall stamp or permanently affix to the frame or body members of the vehicle an identifying number unique to that vehicle. The number shall be located in a place where it is easily visible with minimum physical effort, and it shall be termed the VIN. A manufacturer shall furnish to the Department information as to the location of vehicle identification numbers on vehicles the manufacturer produces. The VIN shall be entered on the registration certificate issued by the Department to the vehicle owner.

OPERATION ON HIGHWAYS:

257.1614. A person shall not operate an ORV which is not registered under Act No. 300 of the Public Acts of 1949, as amended, upon a public highway, street, or right-of-way thereof, except as provided in Section 18 or under the following conditions and circumstances:

(a) The operator of a vehicle may cross a public highway, other than a limited access highway, at right angles, for the purpose of getting from 1 area to

another, when the operation can be done in safety. The operator shall bring the vehicle to a complete stop before proceeding across a public highway, and shall yield the right of way to oncoming traffic.

(b) A vehicle may be operated on a street or highway for a special event of limited duration, conducted according to a prearranged schedule, only under permit from the governmental unit having jurisdiction. A special event involving ORVs may be conducted on the frozen surface of public waters only under permit from the Department of Natural Resources.

OPERATION ON STATE LANDS:

257.1615. A person may operate an ORV in an area, or on a roadway, forest road, or forest trail maintained by or under the jurisdiction of the Department of Natural Resources within state owned lands other than state game areas, state parks, or state recreation areas under rules promulgated by the commission as provided in Section 16, pursuant to Act No. 306 of the Public Acts of 1969, as amended, being Sections 24.201 to 24.315 of the Michigan Compiled Laws.

POWERS OF THE DEPARTMENT OF NATURAL RESOURCES:

257.1616. (1) The Department of Natural Resources shall, within 18 months after the effective date of this act, develop a comprehensive plan for the management of ORV use of areas, forest roads, and forest trails maintained by or under the jurisdiction of the Department of Natural Resources. The plan shall, as a minimum, set forth the following methods and timetables:

(a) The inventorying, by appropriate means, of all areas, forest roads, and forest trails used by or suitable for use by ORVs.

(b) The identification and evaluation of the suitability of areas, forest roads, and forest rails to sustain ORV use.

(c) The designation, by appropriate means, of areas, forest roads, and forest trails for unrestricted or restricted ORV use, or as closed to ORV use. Methods of designation are not limited to but may include posting, the issuance of maps, or fencing.

(d) The development of resource management plans to maintain unrestricted or restricted areas, forest roads, or forest trails and to restore or reconstruct damaged areas, forest roads, or forest trails. The plan shall include consideration of the social, economic, and environmental impact of ORV use.

(2) Upon the effective date of this act and until the designation required by subsection (1) (c) is complete, the commission may promulgate rules to close an area, forest road, or forest trail to ORV use to prevent impairment to wildlife or destruction of natural resources or unreasonable conflict with other recreational use of public lands. The Department of Natural Resources, acting on its own initiative or as a result of information received from interested individuals or organizations, shall investigate and prepare recommendations to the commission in regard to closure of the areas, forest roads, or forest trails.

(3) The plan developed under subsection (1) and revisions thereto and rules promulgated to implement the plan and revisions, and rules promulgated under subsection (2) shall be subject to Act No. 306 of the Public Acts of 1969, as amended.

MINIMUM AGE TO OPERATE - SAFETY EDUCATION:

257.1617. (1) A parent or legal guardian shall not permit a child under the age of 12 to operate a vehicle without the direct supervision of an adult, except on land owned by, or under the control of, the parent or legal guardian.

(2) The Department of Natural Resources shall implement a comprehensive ORV information, safety education and training program which shall include the preparation and dissemination of information and safety advice to the public and training of operators. The program shall provide for the training of youthful operators and for the issuance of ORV safety certificates to those who successfully complete the training provided under the program.

(3) In implementing a program which is established pursuant to this section, the Department of Natural Resources shall cooperate with private organizations and associations, private and public corporations, the Department of Education, and local governmental units. The Department of Natural Resources shall consult with ORV and environmental organizations and associations in regard to subject matter of a training program and performance testing that leads to certification of ORV operators.

(4) Beginning January 1, 1977, a person who is at least 12 but less than 16 years of age may operate an ORV if that person satisfies any of the following:

(a) Is under the direct supervision of a person who is 18 years of age or older.
(b) Is on land owned or under control of a parent or legal guardian.
(c) Has in immediate possession an ORV safety certificate issued pursuant to subsection (3).
(d) Possesses an ORV safety certificate issued under the authority of another state or province of Canada.

(5) Notwithstanding any provisions of this section, an operator who is under 12 years of age shall not cross a highway or street. Beginning May 1, 1977, an operator who is at least 12 years of age but less than 16 years of age, may cross a highway or street or operate on the right of way or shoulder of designated access routes pursuant to Section 18 if the operator has a valid ORV safety certificate in immediate possession.

EQUIPMENT STANDARDS AND NOISE LIMIT:

257.1620. A person shall not operate an ORV:

(a) During the hours of ½ hour after sunset to ½ hour before sunrise without displaying a lighted headlight and lighted taillight.
(b) Unless equipped with a braking system which may be operated by hand or foot, capable of producing deceleration at 14 feet a second on level ground at a speed of 20 miles per hour; a brake light, brighter than the taillight, visible when the brake is activated to the rear of the vehicle when the vehicle is operated during the hours of ½ hour after sunset and ½ hour before sunrise; a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
(c) Unless the vehicle is equipped with a spark arrester type muffler, in good working order and in constant operation. Noise emission under full throttle, at 50 feet at right angles from the vehicle path, shall not exceed 90 dBA on a vehicle manufactured or assembled prior to January 1, 1973; 88 dBA on a vehicle manufactured or assembled after January 1, 1973; 86 dBA on a vehicle manufactured or assembled after January 1, 1975 as measured on a sound level meter which meets the requirements of ANSi SI.4 1971, using procedure and ancillary equipment therein described. A vehicle subject to this act, manufactured or assembled after February 1, 1976 and used, sold, or offered for sale in this state shall conform to the noise emission levels established by the Environmental Protection Agency under the Federal Noise Control Act of 1972, except in an officially authorized special event.

FUEL TAX REFUND:

257.1625. The Department of Natural Resources shall conduct a survey to determine the total unrefunded gasoline sales tax moneys it estimates to have been collected from sale of gasoline relating to the nonhighway use of ORVs and shall submit a report to the legislature along with a recommendation as to the method by which the unrefunded gasoline sales tax moneys estimated to have been collected shall be appropriated to benefit ORV users. The first survey shall be submitted to the legislature prior to January 31, 1977 and every third year thereafter. The Department of Natural Resources shall include in its budget requests information detailing survey programs.

(Michigan Compiled Laws
Section 257.1601)

POWERS OF THE STATE GAME COMMISSION:

53-6-3. (a) When the State Game Commission determines that the operation of vehicles within a certain area, except private land is or may be damaging to wildlife reproduction, wildlife management, or the wildlife habitat of the area, the Department of Game and Fish, with the concurrence of the land management agency involved, after proper notice, shall hold public meetings in the area affected, on the necessity and desirability of closing such lands to the operation of any vehicles for a stated, definite period. Upon finding, after public meetings, that the use of vehicles on such lands is or may be damaging to wildlife reproduction or habitat and that it is necessary and desirable to close such lands to vehicles in order to avoid such damage, the Commission shall make and publish an order closing such lands to vehicle operation except on established roads that are marked by appropriate signs.

(b) The Commission may also recommend to the appropriate land management agency or the legislature that particular areas of land be set aside or made available for recreational vehicles.

53-6-7. The Commission may expend such funds as become available from the Game Protection Fund, state or federal grants or other sources to carry out the provisions of the Habitat Protection Act including, but not limited to:

(a) investigations and surveys of actual or possible wildlife habitat damage by vehicles and the study of areas to be recommended for recreational vehicle use;
(b) posting notices of restrictions, prohibitions, and permitted use of vehicles;
(c) providing maps and other necessary information to the public;
(d) an informational and educational program on wildlife habitat preservation and restoration.

(New Mexico Statutes Section 53-6-1)

NEW YORK

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

NORTH CAROLINA

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

NORTH DAKOTA

OHV SOUND LIMIT - STATE GAME MANAGEMENT AREAS:

On game and fish management areas the use of all motorized vehicles is restricted to those constructed roads, well worn trails, and parking areas normally used by passenger cars. Off-road vehicles may also be used on designated trails and areas marked by the Department with appropriate signs, and may be used on the ice of lakes for access for fishing unless otherwise prohibited by posting or by proclamation. All motorized vehicles which produce a noise level of greater than 85 decibels, measured on scale A, at a distance of 50 feet are prohibited. Motor vehicle use is further restricted or prohibited where such restrictions or prohibitions are posted.

(Regulations; North Dakota Department of Game & Fish).

OHIO

DEFINITIONS:

4519.01. "All purpose vehicle" means any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all season vehicles, mini-bikes, and trail bikes, but excluding any self-propelled vehicle not principally used for purposes of personal transportation, any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under Chapter 4503, or Chapter 4561 of the Revised Code, and any vehicle excepted from definition as a motor vehicle by division (b) of Section 4501.01 of the Revised Code.

"Dealer" means any person, firm, or corporation engaged in the business of manufacturing or selling snowmobiles or all purpose vehicles at wholesale or retail, or who rents, leases, or otherwise furnishes snowmobiles or all purpose vehicles for hire.

OHV REGISTRATION:

4519.02. (a) Except as provided in divisions (b), (c), and (d) of this section, after January 1, 1973, no person shall operate any snowmobile or all purpose vehicle within this state unless the snowmobile or all purposes vehicle is registered and numbered in accordance with Sections 4519.03 and 4519.04 of the Revised Code.

(b) No registration is required for a snowmobile or all purpose vehicle that is operated exclusively upon lands owned by the owner of the snowmobile or all purpose vehicle, or on lands to which the owner has a contractual right.

4519.03. Beginning September 1, 1972, and every year thereafter, the owner of every snowmobile and all purpose vehicle required to be registered under Section 4519.02 of the Revised Code shall file an application for registration with the registrar of motor vehicles or a deputy registrar, on blanks furnished by the registrar for that purpose.

The application shall be signed by the owner of the snowmobile or all purpose vehicle and shall be accompanied by an annual fee of five dollars.

4519.06. Any person who is a dealer in snowmobiles or all purpose vehicles shall make application for registration to the registrar of motor vehicles, for each place in this state at which the business of selling, manufacturing, leasing, or renting snowmobiles or all purpose vehicles is carried on. The application shall show the make of snowmobile or all purpose vehicle manufactured, sold, leased, or rented at such place, and shall be accompanied by a fee of twnety-five dollars. Additional license plates bearing the dealer's number may be issued upon application and the payment of a fee of one dollar for each plate.

Notwithstanding Section 4517.01 of the Revised Code, a dealer licensed to sell motor vehicles may also be registered as a dealer in snowmobiles or all purpose vehicles under this section, and may display, sell, or rent such vehicles at his established place of business.

RECREATIONAL VEHICLE FUND:

4519.11. The taxes, fees, and fines levied, charged, or referred to in Chapter 4519, of the the Revised Code, unless otherwise designated by law, shall be deposited by the treasurer of state in a fund to be known as the "State Recreational Vehicle Fund", and shll be used, subject to appropriation by the general assembly, for the purpose of enforcing and administering the law relative to the registration and operation of snowmobiles and all purpose vehicles within the state, for the purpose of expanding the activities of the Department of Natural Resources to provide trails and other areas for the operation of such vehicles on state-controlled land and waters, for the purchase of additional land to be used for such purposes, and for the development and implementation by the Department of Natural Resources of programs relating to the safe use and enjoyment of snowmobiles and all purpose vehicles. Notwithstanding

Section 1501.01 of the Revised Code, nothing contained in this section authorizes the appropriation of property to provide trails and other areas for the operation of snowmobiles and all purpose vehicles.

EQUIPMENT STANDARDS:

4519.20. By no later than July 1, 1972, the Director of Highway Safety, pursuant to Chapter 119, of the Revised Code, shall adopt and promulgate rules and regulations for the equipment of snowmobiles and all purpose vehicles. The rules and regulations may be revised from time to time as the Director considers necessary, and shall include, but not necessarily be limited to, requirements for the following items of equipment:

(a) At lease one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least one hundred feet ahead under normal atmospheric conditions during hours of darkness;
(b) At least one red taillight having a minimum candlepower of sufficient intensity to be plainly visible from a distance of five hundred feet to the rear under normal atmospheric conditions during hours of darkness;
(c) Adequate brakes. Every snowmobile shall, while traveling on packed snow, be capable of carrying a driver who weighs one hundred and seventy-five pounds or more, and, while carrying such driver, be capable of stopping in not more than forty feet from an initial stady speed of twenty miles per hour, or locking its traction belt.
(d) A muffler system capable of precluding the emission of excessive smoke or exhaust fumes, and of limiting the engine noise of vehicles. On snowmobiles manufactured after January 1, 1973, such requirement shall include sound dampening equipment such that noise does not exceed eighty-two decibels on the "A" scale at fifty feet as measured according to SAE J192 (September, 1970);
(e) No person shall operate any snowmobile or all purpose vehicle in violation of division (a), (b), (c), or (d) of this section, except that equipment specified in divisions (a) and (b) of this section shall not be required on snowmobiles or all purpose vehicles operated during the daylight hours on state-controlled land under the jurisdiction of the Department of Natural Resources and that are limited to off-highway use.

NOTE: Regulations adopted by the Department of Highway Safety are identical to the requirements reprinted above.

COMPLIANCE TESTING OF OHVS:

4519.21. The Director of Highway Safety may authorize sample tests of new snowmobiles and all purpose vehicles to determine their degree of conformity to rules and regulations adopted under Section 4519.20 of the Revised Code. In prescribing tests for muffler equipment, the Director may require sound pressure levels in decibels to be measured on the "A" scale of the sound level meter having characteristics defined by the American Standards Association Standard S1.4-1961 "General Purpose Sound Meter," and may also require the use of applicable measurement practices outlined in the procedures for sound level measurement of snowmobiles endorsed by the International Snowmobile Industry Association, January, 1969, or such other sources of standards for the measurement of sound levels as the Director may consider advisable.

Upon finding that any make or model of vehicle authorized to be tested under this section does not meet an applicable standard adopted by the Director, the person conducting such test shall report that fact to the Director, who shall immediately notify the manufacturer of the vehicle and the registrar of motor vehicles. Upon receipt of a notification, the registrar shall refuse to issue a certificate of registration to an owner or dealer with respect to any vehicle of the same make or

model as that named in the notification until the vehicle has been modified in such manner as the Director shall prescribe, and meets the applicable standard.

4519.22. No person shall have for sale, sell, offer for sale, lease, rent, or otherwise furnish for hire in this state any new snowmobile or all purpose vehicle which fails to comply with any rule or regulation adopted by the Director of Highway Safety under Section 4519.20 of the Revised Code, after the effective date of such rule or regulation.

OPERATION ON HIGHWAYS:

4519.41. Snowmobiles and all purpose vehicles being used for winter travel may be operated as follows:

(a) To make a crossing of a highway, other than a limited-access highway, freeway, or interstate highway, or the right-of-way thereof, whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway, and provided that the operator yields the right-of-way to any approaching traffic that presents an immediate hazard;
(b) On highways in the county or township road system whenever the local authority having jurisdiction over such highways so permits;
(c) Off and alongside a street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile or all purpose vehicle is intended and authorized to be operated;
(d) On the berm or shoulder of a highway, other than a limited-access highway, freeway, or interstate, when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane.

OHV REGULATORY AUTHORITY:

4519.42. The Director of Natural Resources shall adopt and promulgate rules and regulations for the operation of snowmobiles and all purpose vehicles on land or waters controlled by the state. The Director shall also undertake a program relating to the development of trails and special areas for the use of snowmobiles and all purpose vehicles, and may require any permits for such use as he considers necessary.

MINIMUM AGE TO OPERATE - OPERATOR LICENSE:

4519.44. (a) No person who does not hold a valid, current motor vehicle operator's or chauffeur's license, motorcycle operator's endorsement, or probationary license, issued under Chapter 4507 of the Revised Code, shall operate a snowmobile or all purpose vehicle on any street or highway in this state, on any portion of the right-of-way thereof, or on any public land or waters.

(b) No person who is less than sixteen years of age shall operate a snowmobile or all purpose vehicle on any land or waters other than private property or waters owned by or leased to such person's parent or guardian, unless accompanied by another person who is eighteen years of age, or older, and who holds a license as provided in division (a) of this section, except that the Department of Natural Resources may permit such operation on state-controlled land under its jurisdiction when such person is less than sixteen years of age but is twelve years of age or older and is accompanied by a parent or guardian who is a licensed driver eighteen years of age or older.

(Ohio Revised Code Section 4519.01)

OKLAHOMA

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

OREGON

OHV DEFINITION:

483.833. "Off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain.

EQUIPMENT STANDARDS:

483.837. (1) An off-road vehicle is not in violation of laws governing equipment on motor vehicles if the off-road vehicle complies with the requirements of ORS 483.839 and 483.843 and is operated in an area designated under this section.

(2) Subsection (1) of this section applies to those lands and roads, other than hard-surfaced roads, that are open to the public and that are in the counties of Coos, Douglas, Lane, and Tillamook between U.S. Highway 101 and the mean low tide line of the Pacific Ocean:

(a) Between Coos Bay and the Siuslaw River; and
(b) Within the boundaries of the Sand Beach Activity Zone and the Tillamook County Sand Beach Park.

483.839. Every off-road vehicle operating in an area specified in ORS 483.873 shall be equipped with:

(a) A muffler which permits the vehicle to meet the standards for noise emissions adopted by the Environmental Quality Commission.*
(b) Brakes of a type specified by the Administrator of the Motor Vehicles Division.
(c) Such other safety equipment as is required by rule adopted by the Administrator.

*The Department of Environmental Quality has established noise limits for new off-highway motorcycle certification, in-use enforcement, and motorcycle racing. The noise limit for new OHMs of the 1977-82 model years is 82 dBA, measured at 50 feet. The following in-use noise levels apply to OHMs, measured in a stationary test at 20":

Model Year	Maximum Noise Level (dBA)
1975 and before	102
After 1975	99

Motorcycles used in races must not exceed 105 dBA at 20 inches using a stationary noise measurement test.

483.843. Every off-road vehicle operating in an area specified in ORS 483.837 at any time from one-half hour after sunset to one-half hour after sunrise shall be equipped with and display headlights and taillights.

(Oregon Revised Statutes, Section 483.833)

PENNSYLVANIA

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

RHODE ISLAND

DEFINITIONS:

31-3.2-1. "Recreational vehicle" - a motor vehicle designed to travel over unimproved terrain and which has been determined by the Division of Motor Vehicles as unsuitable for operation on the public way and not eligible for registration for such use. This shall not be construed to include golf mobiles or golf carts, so-called, or riding lawn mowers, so-called, or garden tractors, so-called, which are not registered as farm vehicles, or mini-bikes, so-called, which are two (2) wheel vehicles having an engine of not more than fifty (50) cubic centimeters.

"Dealer" means a person, partnership, or corporation engaged in the business of selling snowmobiles or recreational vehicles at wholesale or retail.

"Manufacturer" means a person, partnership, or corporation engaged in the business of manufacturing snowmobiles or recreational vehicles.

OHV REGISTRATION:

31-3.2-2. (1) Except as hereinafter provided, no person shall after October 30, 1971, operate any snowmobile or recreational vehicle within the state unless such snowmobile or recreational vehicle has been registered with the Department of Environmental Management in accordance with this chapter.

(2) Application for registration shall be made to the Director of Environmental Management in such form as the Director shall prescribe, and shall state the name and address of every owner of the snowmobile or recreational vehicle and be signed by at least one (1) owner.

(3) (a) The fee for registration of each snowmobile or recreational vehicle, other than those registered by a dealer or manufacturer pursuant to clauses (b) or (c) shall be as follows: ten dollars ($10.00) for one (1) year and one dollar ($1.00) for a duplicate or transfer.
(b) The total registration fee for all snowmobiles or recreational vehicles owned by a dealer and operated for demonstration or testing purposes shall be twenty-five ($25.00) per year.
(c) The total registration fee for all snowmobiles or recreational vehicles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes shall be one hundred dollars ($100) per year. Dealer and manufacturer registrations are not transferable.

(4) No registration hereunder shall be required for the following described snowmobiles or recreational vehicles:

(a) Snowmobiles or recreational vehicles owned and used by the United States, another state, or a political subdivision thereof.
(b) Snowmobiles or recreational vehicles registered in a country other than the United States temporarily used within this state.
(c) Snowmobiles or recreational vehicles covered by a valid license of another state and which have not been within this state for more than thirty (30) consecutive days.

(5) The Director of Environmental Management may issue special permits to out-of-state snowmobiles or recreational vehicles from a state or country where registration is not required to operate in Rhode Island for limited periods of time not to exceed 30 days in connection with organized group outings, trailrides, races, rallies, and other promotional events.

31-3.2-3. Fees from registration of snowmobiles or recreational vehicles shall be deposited with the state treasurer to the credit of the general fund.

POWERS OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

31-3.2-6. (1) With a view of achieving maximum use of snowmobiles and/or recreational vehicles the Director of Environmental Management shall adopt rules and regulations for the following purposes:

(a) Registration of snowmobiles and recreational vehicles and display of registration numbers.
(b) Use of snowmobiles and recreational vehicles insofar as game and fish resources are affected.
(c) Use of snowmobiles and recreational vehicles on public lands and waters under the jurisdiction of the Director of Environmental Management.

(2) The Assistant Director for Motor Vehicles may adopt rules and regulations not inconsistent herewith in the manner provided by title 31 regulating the use of snowmobiles and recreational vehicles on streets and highways.

OPERATING REGULATIONS:

31-3.2-7. (1) (a) No person shall operate a snowmobile or recreational vehicle upon the roadway shoulder or inside bank or slope on any highway in this state or elsewhere within the right-of-way except as provided in this chapter. No snowmobile or recreational vehicle shall be operated at any time within the right-of-way of any interstate highway or freeway within this state.

(b) A snowmobile or recreational vehicle may make a direct crossing of a street or highway at any hour of the day provided:

(1) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and
(2) The snowmobile or recreational vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and
(3) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
(4) In crossing a divided highway the crossing is made only at an intersection of such highway with another public street or highway; and
(5) If the crossing is made between the hours of one-half (½) hour after sunset to one-half (½) hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

(c) No snowmobile or recreational vehicle shall be operated upon a public street or highway unless it is equipped with at least one (1) head lamp, one (1) tail lamp each of minimum candlepower as prescribed by regulations of the Director, reflector material of a minimum area of sixteen (16) square inches mounted on each side forward of the handlebars, and with brakes each of which shall conform to standards prescribed by rule of the Director of Environmental Management.

(1) (a) Nothing in this section shall prohibit the use of snowmobiles or recreational vehicles within the right-of-way of any highway or upon public lands or waters under the jurisdiction of the Director of Environmental Management, in any international contest, subject to the consent of the official or board having jurisdiction over the highway or public lands or water.

(2) It shall be unlawful for any person to drive or operate any snowmobile or recreational vehicle without the operator and passengers wearing a helmet equipped with a face guard of a type approved by the registrar of motor vehicles.

MUFFLER REQUIRED:

31-3.2-8. Except as provided in this section, every snowmobile or recreational vehicle shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile or recreational vehicle noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound. This section does not apply to organized races or similar competitive events held on:

(1) private lands, with the permission of the owner, lessee, or custodian of the land;
(2) public lands and water under the jurisdiction of the Director of Environmental Management, with the Director's permission; or
(3) other public lands, with the consent of the public agency owning the land.

No person shall have for sale, sell, or offer for sale on any new snowmobile or recreational vehicle any muffler that fails to comply with the specifications required by the rules and regulations of the Director after the effective date of the rules and regulations.

MINIMUM AGE TO CROSS HIGHWAY:

31-3.2-9. No person under sixteen (16) years of age shall make a direct crossing of a state highway as the operator of a snowmobile or recreational vehicle. A person sixteen (16) years of age or older, but less than eighteen (18) years of age, may make a direct crossing of a highway only if he has in his immediate possession a valid motor vehicle operator's license.

(Rhode Island General Laws, Section 31-3.2-1)

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT EQUIPMENT REGULATIONS:

-OHV NOISE LIMITS-

Every snowmobile or recreational vehicle shall be equipped with a muffler to control excessive noise. After June 1, 1972 no new snowmobile or recreational vehicle shall be sold or offered for sale unless the muffler limits engine noise to no more than 82 decibels on the "A" scale at 50 feet. After June 1, 1974 the muffler system must limit noise to no more than 73 decibels.

-HEAD LAMPS-

Every snowmobile or recreational vehicle being operated across public highways as provided by law, or between the hours of sunset and sunrise, shall be equipped with at least one white or amber headlamp of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead, during the hours of darkness under normal atmospheric conditions.

-TAIL LAMPS-

Every snowmobile or recreational vehicle being operated across public highways or between the hours of sunset and sunrise shall be equipped with a taillamp visible from a distance of 500 feet to the rear under the same conditions as for headlamps.

-REFLECTORIZED MATERIALS-

Every snowmobile or recreational vehicle shall be equipped with 16 square inches of reflectorized material on each side of the vehicle forward of the handlebars placed in such manner that light being directed at the vehicle from the side is reflected. The snowmobile registration decal is considered sufficient to constitute the required reflective area.

-BRAKES-

Every snowmobile or recreational vehicle shall have at least one brake, operated by foot or by hand, and which is adequate to control or stop the vehicle within a straight 12 foot wide path or lane when decelerating.

-REFLECTOR ON REAR OF VEHICLE-

Every snowmobile or recreational vehicle being operated across a public street or highway shall be equipped with a red reflector to be visible at night from all distances within 500 feet to 50 feet from the vehicle. A separate reflector is not required if the taillamp itself is reflectorized.

-MINIMUM AGE TO OPERATE-

No person under 12 years of age shall operate on Environmental Management property. Those over 12 years of age but under 16 years shall be accompanied by an adult who shall be liable, according to law, for personal injury or property damage that may result from such operation.

SOUTH CAROLINA

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

SOUTH DAKOTA

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

TENNESSEE

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

TEXAS

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

UTAH

DEFINITIONS:

41-22-03. The words "all-terrain vehicle" means any motorized vehicle designed for or capable of travel over unimproved terrain.

The words "recreation vehicle" means any snowmobile or all-terrain vehicle engaged in off-highway recreational use.

The word "dealer" means a person, partnership, or corporation engaged in the business of selling recreation vehicles at wholesale or retail.

The word "manufacturer" means a person, partnership, or corporation engaged in the business of manufacturing recreation vehicles.

OHV REGISTRATION:

41-22-02. (a) Unless exempted by this act, no person shall operate and no owner shall give another person permission to operate any snowmobile after June 30, 1971, or any all-terrain vehicle after December 31, 1971, on any public land in this state unless the recreation vehicle has been registered under this act for the current year.

(2) The owner of any recreation vehicle requiring registration by this act shall file an application for registration with the Division of Parks and Recreation on forms approved by it.

41-22-09. The following recreation vehicles are exempt from the registration requirements of this act:

(1) Recreation vehicles which are owned and operated by the United States, the State of Utah, and its political subdivisions. These vehicles, however, may be issued a certificate of registration without being subject to the fee;
(2) Vehicles which have a valid motor vehicle inspection sticker and are registered for highway use;
(3) Recreation vehicles owned by non-residents if they are not in Utah in excess of one 30-consecutive-day period in any calendar year;
(4) Recreation vehicles brought to Utah for the sole purpose of participating in an authorized race or other contest for eight days before and on the days of the race at the site of the race.

POWERS OF THE DIVISION OF PARKS AND RECREATION:

41-22-05. Among the regulations adopted by the Division of Parks and Recreation, the Division shall:

(1) Determine the day and month when the annual registration will expire.
(2) Provide in its regulations for the issuance and control of dealer registrations for use by dealers and manufacturers for demonstrating and test purposes.
(3) Provide in its regulations for the issuance and control of temporary permits for use by purchasers of recreation vehicles pending completion of the registration.

41-22-08. The Division of Parks and Recreation shall establish fees which shall be paid in accordance with this act, except that the fees for each certificate of registration shall not exceed $5.00 per annum.

41-22-10. The Division of Parks and Recreation is empowered to:

(1) Promulgate, amend, and repeal regulations necessary for the Division to properly administer the purposes of this act;
(2) Appoint and seek recommendations from a recreation vehicle advisory council representing the various snowmobile, all-terrain vehicle, conservation, and other appropriate interests;
(3) Promulgate, amend, and repeal regulations governing equipment requirements, mufflers, and engine noise limitations for recreation vehicles.

DIVISION OF PARKS AND RECREATION REGULATIONS:

No person shall operate or give permission to operate a recreation vehicle unless it is equipped as follows:

(a) Except during the period and at the site of an authorized event or in an area designated as an exception, every recreation vehicle shall have a muffler or sound retardant device equal to the factory installed device in good working order which limits engine noise to not more than 92 decibels for motorcycles and 82 for all other recreation vehicles on Schedule A at 50 feet.
(b) When operated between sunset and sunrise, every recreation vehicle shall have at least one lighted headlamp of sufficient candlepower to reveal persons and vehicles at a distance of at least 100 feet and one taillamp of sufficient candlepower to be visible from a distance of 500 feet to the rear.
(c) Every recreation vehicle shall have brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions.
(d) When participating in a competitive event, the operator must wear protective headgear; and rollbars are required on four-wheel drive vehicles.
(e) No person under the age of 16 years shall operate a recreation vehicle on any public land unless he is under the supervision of a person who is at least 16 years of age and who is competent in the operation of such recreation vehicles.

(Division of Parks and Recreation Regulations)

41-22-12. All federal agencies are encouraged and agencies of the state and its subdivisions are directed to refrain from closing any public land to responsible recreation vehicle use except where just and reasonable cause can be demonstrated such as protection of water sheds, and plant and animal life.

COMPETITION AND ORGANIZED EVENTS:

41-22-15. No person shall organize, promote, or otherwise hold a recreation vehicle race or other organized event on any public land without obtaining written permission from the appropriate agency having jurisdiction over the land. The requests for permission shall be submitted as early as required by the agency but in no case less than 15 days prior to the proposed event.

ORV RECREATION FUNDING:

41-22-19. (1) All registration fees and related monies collected by the Division o. any agencies designated to act for the Division shall be deposited as restricted revenue as a recreation vehicle account in the general fund of the state for use by the Division in the construction, improvement, operation and maintenance of state-owned or administered recreation vehicle facilities in areas appropriate for recreational vehicle use and for the payment of the costs and expenses of the Division in administering and enforcing the provisions of this act.

OHV RECREATION FACILITIES:

41-22-20. All public land administering agencies are hereby encouraged to develop and maintain trails, parking areas, restrooms, and other related facilities appropriate to recreation vehicle use when a need can be demonstrated and to pursue and adopt educational and other programs designed to promote the safety, enjoyment, and responsible use of all forms of this recreational activity.

(Utah Code, Section 41-22-1)

VERMONT

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

VIRGINIA

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

WASHINGTON

DEFINITIONS:

46.09.020. "Nonhighway vehicle" shall mean any self-propelled vehicle when used for recreational travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include but are not limited to, two or four-wheel drive vehicles, motorcycles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

Nonhighway vehicle does not include:

(1) Any vehicle designed primarily for travel on, over, or in the water;
(2) Snowmobiles or any military vehicles; or
(3) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under Chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

"Off-road vehicle" or "ORV" means any nonhighway vehicle when used for cross-country travel on trails or on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain.

OHV REGISTRATION:

46.09.030. The Department of Motor Vehicles shall provide for the issuance of use permits for off-road vehicles and may appoint agents for collecting fees and issuing permits.

46.09.040. Except as provided in this chapter, no person shall operate any off-road vehicle within this state after January 1, 1978, unless the off-road vehicle has been assigned an ORV use permit and displays a current ORV tag in accordance with the provisions of this chapter.

46.09.050. ORV use permits and ORV tags shall be required under the provisions of this chapter except for the following:

(1) Off-road vehicles owned and operated by the United States, another state, or a political subdivision thereof.
(2) Off-road vehicles owned and operated by this state, or by any municipality or political subdivision thereof.
(3) An off-road vehicle operating in an organized competitive event on privately owned or leased land: Provided, that if such leased land is owned by the State of Washington this exemption shall not apply unless the state agency exercising jurisdiction over the land in question specifically authorizes said competitive event: Provided further, that such exemption shall be strictly construed.
(4) Off-road vehicles operated on lands owned or leased by the ORV owner or operator or on lands which the operator has permission to operate without an ORV use permit.
(5) An off-road vehicle owned by a resident of another state if that off-road vehicle is registered in accordance with the laws of the other state. This exemption shall apply only to the extent that a similar exemption or privilege is granted under the laws of that state, except that any off-road vehicle which is validly registered in another state and which is physically located in this state for a period of more than fifteen consecutive days shall be required to obtain a Washington State ORV use permit.
(6) Vehicles which are licensed pursuant to Chapter 46.16 RCW or in the case of nonresidents, vehicles which are validly licensed for operation over public highways in the jurisdiction of the owner's residence.

46.09.070. Application for an ORV use permit shall be made to the Department of Motor Vehicles or its authorized agent in such manner and upon such forms as the Department shall prescribe, shall state the name and address of each owner of the off-road vehicle, shall be signed by at least one such owner, and shall be accompanied by a use permit fee of five dollars.

The ORV use permit provided in this section shall be valid for a period of one year. Use permits shall be renewable each year in such manner as the Department may prescribe for an additional period of one year upon payment of a renewal fee of five dollars.

DEALER'S REGISTRATION:

46.09.080. (1) Each dealer of off-road vehicles in this state who does not have a current "dealer's plate" for vehicle use pursuant to Chapter 46.70 RCW, shall obtain a dealer ORV permit from the Department of Motor Vehicles in such manner and upon such forms as the Department shall prescribe. Upon receipt of a dealer's application for a dealer ORV permit and the fee provided for in subsection (2) of this section, such dealer shall be registered and an ORV dealer permit number assigned.

(2) The ORV fee for dealers shall be twenty-five dollars per year, which shall be deposited in the Outdoor Recreation Account, and such fee shall cover all of the off-road vehicles owned by a dealer and not rented: Provided, That off-road vehicles rented on a regular, commercial basis by a dealer shall have separate use permits.

(4) On and after January 1, 1978, it shall be unlawful for any dealer to sell any off-road vehicle at wholesale or retail, or to test or demonstrate any off-road vehicle within the state, unless he has a motor vehicle dealers' license pursuant to Chapter 46.70 RCW or an ORV dealer permit number in accordance with the provisions of this section.

OHV ACCOUNT:

46.09.110. The monies collected by the Department of Motor Vehicles as ORV use permit fees shall be distributed from time to time but at least once a year in the following manner:

(1) The Department shall retain enough money to cover expenses incurred in the administration of this chapter: Provided, That such retention shall never exceed eighteen percent of fees collected.
(2) Twenty percent of the monies shall be placed in the ORV account, which is hereby established, in the general fund and shall be administered by the Department of Natural Resources as ORV monies. The Department of Natural

Resources shall use these monies to develop a state-wide program of ORV user education and information. Any portion of these monies not used to develop an ORV user education and information program shall be deposited in the Outdoor Recreation Account and shall be distributed by the Interagency Committee for Outdoor Recreation under RCW 46.09.240.

(3) The remaining monies shall be credited to the Outdoor Recreation Account of the General Fund as ORV monies and shall be distributed by the Interagency Committee for Outdoor Recreation as specified in RCW 46.09.240.

OPERATING REQUIREMENTS - OHV NOISE LIMITS

46.09.120. It shall be unlawful for any person to operate any nonhighway vehicle:

(3) On lands not owned by the operator or owner of the nonhighway vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;
(4) On lands not owned by the operator or owner of the nonhighway vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;
(5) Without a spark arrester approved by the Department of Natural Resources;
(6) Without an adequate, and operating, muffling device which effectively limits vehicle noise to no more than eight-six decibels on the "A" scale at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure J 331a, except that a maximum noise level of one hundred and five decibels on the "A" scale at a distance of twenty inches from the exhaust outlet shall be an acceptable substitute in lieu of the Society of Automotive Engineers test procedure J 331a when measured:

(a) At a forty-five degree angle at a distance of twenty inches from the exhaust outlet;
(b) With the vehicle stationary and the engine running at a steady speed equal to one-half of the manufacturer's maximum allowable ("red line") engine speed or where the manufacturer's maximum allowable engine speed is not known the test speed in revolutions per minute calculated as sixty percent of the speed at which maximum horsepower is developed; and
(c) With the microphone placed ten inches from the side of the vehicle, one-half way between the lowest part of the vehicle body and the ground plane, and in the same lateral plane as the rearmost exhaust outlet where the outlet of the exhaust pipe is under the vehicle.

(7) On lands not owned by the operator or owner of the nonhighway vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway.

REFUND OF FUEL TAXES:

46.09.170. (1) From time to time, but at least once each year, the Director of the Department of Motor Vehicles shall request the state treasurer to refund from the Motor Vehicle Fund one percent of the motor vehicle fuel tax revenues collected pursuant to Chapter 82.36 RCW, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the General Fund as follows:

(a) Twenty-five percent shall be credited to the ORV Account and administered by the Department of Natural Resources solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;
(b) Three and one-half percent shall be credited to the ORV Account and administered by the Department of Game solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;
(c) Twenty percent shall be credited to the ORV Account and administered by the Department of Natural Resources and shall be designated as ORV monies to be used only for the acquisition, planning, development, maintenance, and management of designed off-road vehicle trails and areas; to construct campgrounds and trailheads which are necessary for the convenient use of designated ORV trails and areas; and to maintain those campgrounds and trailheads

specifically constructed with ORV monies: Provided, however, that the Department of Natural Resources, two months prior to the acquisition and development of such trails, areas, campgrounds, and trailheads for off-road vehicles, shall conduct a public hearing at a suitable location in the nearest town of five hundred population or more, and the Department shall publish a notice of such hearing on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the county or counties where the property which is the subject of the proposed facility is located. The Department of Natural Resources shall further file such notice of hearing with the Department of Ecology at the main office in Olympia and shall comply with the provisions of the State Environmental Policy Act, Chapter 43.21C RCW and regulations promulgated thereunder; and

(d) Fifty-one and one-half percent shall be credited to the Outdoor Recreation Account and designated as ORV monies to be administered by the Interagency Committee for Outdoor Recreation and distributed in accordance with RCW 46.09.240.

(2) On a yearly basis no agency may expend more than thirteen percent of its share of the above amounts for general administration expenses incurred in carrying out the provisions of this chapter, and not more than fifty percent of its share of said amount for education and law enforcement programs related to nonhighway vehicles.

(3) ORV monies shall be expended only for the acquisition, planning, development, maintenance, and management of off-road vehicle trails and areas; for education and law enforcement programs related to nonhighway vehicles; to construct campgrounds and trailheads which are necessary for the convenient use of designated ORV trails and areas; and to maintain those campgrounds and trailheads specifically constructed with ORV monies.

POWERS OF INTERAGENCY COMMITTEE:

46.09.240. (1) The monies deposited in the Outdoor Recreation Account of the General Fund derived from ORV use permit fees, ORV dealer permit fees, and motor vehicle excise taxes on fuel used and purchased for providing the motive power for nonhighway vehicles shall be administered by the Interagency Committee for Outdoor Recreation and shall be distributed at least once each year to state agencies, counties, and municipalities. The Interagency Committee for Outdoor Recreation may make intergovernmental agreements with federal agencies for the use of ORV monies. The agreements shall contain the conditions for the use of these monies.

The Committee shall prescribe methods, rules, and standards by which agencies may apply for and obtain monies and shall determine the amount of money distributed to each applicant: Provided, that agencies constructing off-road vehicle trails, campgrounds, and recreational areas and facilities shall consider the possibility of contracting with the state parks and Recreation Commission, the Department of Natural Resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews to construct or assist in construction of such off-road vehicle trails, campgrounds, and recreational areas and facilities.

(2) The Interagency Committee shall require that each applicant conduct a public hearing in the nearest town of five hundred population or more, and publish notice of such hearing on the same day of each week for two consecutive weeks in a newspaper of general circulation in the county or counties where the property which is subject of the proposed facility is located prior to the submission of its application. A written record and a magnetic tape recording of such hearings shall be included in the application to the Committee.

(3) The Interagency Committee for Outdoor Recreation shall retain enough money from ORV monies to cover expenses incurred in the administration of this chapter except that after June 30, 1979, the retention shall not exceed, on a yearly basis, three percent of the ORV monies deposited in the Outdoor Recreation Account.

STATE-WIDE OHV PLAN:

46.09.250. Between June 30, 1977 and June 30, 1979 the Interagency Committee for Outdoor Recreation shall develop or cause to be developed a state-wide ORV plan which shall determine and reflect user densities and preferences and suitability and availability of designated ORV trails and areas within the state. The plan shall be maintained on a continuing basis with the plan document updated at least once every third biennium and shall be used by all participating agencies to guide distribution and expenditure of nonhighway vehicle funds.

OHV ADVISORY COMMITTEE:

46.09.260. The Interagency Committee shall establish a committee of ORV recreationists, including representatives of organized ORV recreation groups, to advise in the development of a state-wide ORV plan, the development of a project funding system, the suitability of ORV projects submitted to the Interagency Committee for funding and other aspects of ORV recreation as the need may arise.

OHV RIDER EDUCATION:

46.09.270. The Department of Natural Resources shall conduct a program of ORV user education and information.

The Department of Natural Resources shall establish a committee of ORV recreationists, including representatives or organized ORV recreation groups, to advise the Department relative to any ORV program developed from the funds provided in RCW 46.09.110 and 46.09.170.

(Washington Revised Code, Section 46.09)

WEST VIRGINIA

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

WISCONSIN

MOTORCYCLE RECREATION PROGRAM:

23.09. (a) The department shall administer an off-the-road motorcycle and motor-driven cycle recreational aid program from monies appropriated under S. 20.370 (1) (wm) and (wn). The department shall distribute these funds to towns, villages, cities, and counties for the acquisition, development, operation and maintenance of off-the-road motorcycle and motor-driven cycle trails and facilities.

(b) The department shall promulgate rules and develop guidelines to administer this subsection.

(c) The state or its agencies shall not be liable for any injury to any person or damage to any property in connection with or arising out of the use of any lands acquired, developed, or operated under this subsection.

(d) The Motorcycle Recreation Council shall carry out studies and make recommendations to the department concerning the implementation of this section.

(Wisconsin Statutes, Section 23.09)

WYOMING

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

3Wheeling

THE ALL TERRAIN VEHICLE MAGAZINE T.M.

Reader Survey

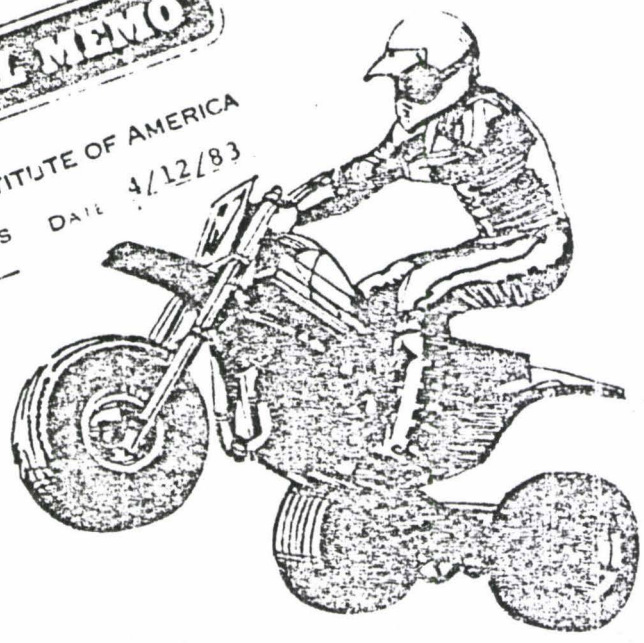
1982

TRANSMITTAL MEMO

SPECIALTY VEHICLE INSTITUTE OF AMERICA

To Board of Trustees DATE 4/12/83

☒ For your information



Wright Publishing Co., Inc.

P.O Box 2260 • Costa Mesa, CA 92626 • (714) 979-2560

3WHEELING READER SURVEY 1982

READER PROFILE OBJECTIVES

The primary objective of this Reader Profile is to give potential and current advertisers and advertising agencies the demographics which will help them evaluate and/or select 3WHEELING MAGAZINE as an advertising medium for their own or their clients' products and services.

Information included in this study gives comprehensive facts about readers' involvement with the magazine, the nature and frequency of their use of 3WHEELING, their attitude toward it, their ages, incomes, occupations, educations, and specific areas of interest.

*** MULTIPLE ANSWERS ARE POSSIBLE ON SEVERAL QUESTIONS**

METHODOLOGY OF THE SURVEY

As an inducement for filling out and returning the 38-question survey which appeared in the May, 1982, issue of 3WHEELING MAGAZINE, we promised to send our readers two free 3WHEELING MAGAZINE stickers. This issue appeared on the newsstands April 6. As of the cut-off date, May 1, 1982, we had received 2714 replies. Of these 2714 replies, 1000 were randomly selected and tallied by a freelance auditor. Both the processing of the data and the findings were produced by the independent auditor.

It is hoped the findings of this survey will help all those engaged in the expansion and success of this proven consumer market.

Yours truly,

Dean M. Kirsten

Dean Kirsten
Associate Publisher

1. AGE
   - 7-10 ..... 2.29%
   - 11-13 ..... 9.18
   - 14-16 ..... 22.96
   - 17-20 ..... 13.56
   - 21-25 ..... 21.92
   - 26-30 ..... 13.04
   - 31-40 ..... 13.77
   - 41+ 3.23
   - Average Age 24
   - Median Age 21
2. SEX
   - Male 97.86%
   - Female 2.31
3. MARITAL STATUS
   - Married 26.87%
   - Single 73.12
4. EDUCATION
   - Grade School 13.64%
   - Attending High School 26.01
   - Graduate High School 41.70
   - Attending College or Technical 11.23
   - Postgraduate 7.59
5. INCOME (Household)
   - Under 10k 6.87%
   - 11-15k 11.24
   - 16-20k 14.62
   - 21-25k 16.59
   - 26k 50.65
6. INCOME (Personal)
   - Under 10k 40.65%
   - 11-15k 13.96
   - 16-20k 12.83
   - 21-25k 12.93
   - 26k + ... 19.70
7. OTHER MAGAZINES READ
   - Hot VWs 13%
   - Hot Rod 15.30
   - Dirt Wheels 38.30
   - Dirt Bike 16.60
   - BMX Action 6.50
   - Mini-Truck 6.20
   - PV4 ..... 7.20
   - 4W & Off Road 26.50
   - Moto Cross Action 11.90
   - Cycle News/ATV News 16.80
   - SCORE News 6.10
8. READERS PER COPY
   - 2-3 ..... 63.32%
   - 4-5 ..... 22.27
   - 6-7 ..... 6.41
   - More than 8 ..... 7.98
9. HOW LONG IS 3WHEELING KEPT
   - 6 Months 7.70%
   - Up To A Year 7.80
   - More Than A Year 84.49
10. WHAT DO THEY LIKE BEST
    - Race Coverage 30.90%
    - New Vehicle Tests 53.80
    - How Tos 45.90
    - Technical 27.10
    - Racer Profiles 17.30
    - Letters 29.60
    - New Product Tests 42.40
    - Places To Ride 31.80
    - Project Vehicles 25.80
    - Parts for Glitter & Go 25.30
    - Features 27.90
11. WHAT DO THEY OWN?
    - 3 Wheeler 90.30%
    - Odyssey 9.5
    - Other ATV 4.4
12. IS THIS THEIR FIRST ATV?
    - Yes 44.89%
    - No 55.10
13. WHAT BRAND OF ATV DO THEY OWN?
    - Honda 88.04%
    - Yamaha 8.84
    - Kawasaki 3.11
    - Other ..... .01
14. WHAT SIZE?
    - 0-125 ..... 32.50%
    - 126-185 ..... 36.20
    - 186-200 ..... 14.00
    - 201-250 ..... 31.40
15. TYPE OF ENGINE
    - Two-Stroke 26.30%
    - Four-Stroke 30.10
16. WHAT YEAR IS IT?
    - 1971-1975 ..... 5.40%
    - 1976-1979 ..... 20.80
    - 1980-1982 ..... 75.50
17. IS THERE MORE THAN ONE ATV IN THE HOUSEHOLD?
    - Yes 57.51%
    - No 42.48
18. IF SO, HOW MANY?
    - 1-2 ..... 60.93%
    - 3-4 ..... 33.27
    - 5 or More 5.80
19. DO THEY WORK ON THEIR OWN ATV?
    - Yes 91.36%
    - No 8.63
20. DOES A SHOP OR DEALER WORK ON THEIR ATV?
    - Yes 34.28%
    - No 65.71
21. DO THEY PLAN TO MODIFY THEIR ATV SOON?
    - Yes 77.83%
    - No 22.16
22. IF SO, WHAT?
    - Exhaust 49.50%
    - Cam 22.70
    - Wheels 27.80
    - Tires 35.20
    - Stroker Crank 9.60
    - Porting 17.50
    - Clutch 15.20
    - Gas Tank 9.10
    - Sprocket 2.10
    - Carburetor 30.00
    - Air Cleaner 28.30
    - Front Forks 20.40
    - Shock 16.60
    - Light 7.60
    - Rack 10.60
    - Fender 11.60
    - Axle 8.00
    - Roll Cage 3.80
    - Seat 9.30

23. WHAT BRAND OF OIL DO THEY USE?

Pennzoil	21.88%
Castrol	17.29
Valvoline	11.88
Bel Ray	9.88
Yamahalube	6.47
Quaker State	6.47
Hondaline	5.29
Spectro	4.47
Torco	3.29
Kendall	2.58
Mobil	1.52
Arco	.58

24. WHAT BRAND OF TIRES DO THEY USE?

Ohtsu	38.01%
Goodyear	25.08
Dunlop	18.56
Cepek	7.07
Armstrong	1.87
Sand Tires Ultd.	.55

25. DO THEY WEAR A HELMET?

Yes	85.81%
No	14.18

26. IF SO, WHAT BRAND?

Bell	69.32%
Simpson	3.91
Shoei	3.10
Hondaline	2.97
Nava	.94
Yamaha	.27

27. DO THEY WEAR BOOTS?

Yes	55.22%
No	44.77

28. IF SO, WHAT BRAND?

Hi-Point	20.59%
Scott	12.23
Malcolm Smith	7.46
Moto Fox	4.77

29. DO THEY WEAR GOGGLES?

Yes	70.88%
No	29.11

30. IF SO, WHAT BRAND?

Scott	69.51%
Hondaline	6.09
Malcolm Smith	4.18
Oakley	4.18
Super Seer	1.04
Jones	.69
MXL	.34

31. DO THEY WEAR RIDING PANTS?

Yes	17.01%
No	82.98

32. IF SO, WHAT BRAND?

JT	24.19%
Honda	15.23
Malcolm Smith	10.48
Moto Fox	2.41
DG	1.61

33. DO THEY WEAR RIDING JERSEYS?

Yes	30.92%
No	69.07

34. IF SO, WHAT BRAND?

JT	19.02%
Malcolm Smith	8.15
DG	6.52
Moto Fox	4.89

35. WHAT TYPE OF RIDING DO THEY DO?

Recreational	90.20%
Racing	25.90
Hunting	18.20
Farm	15.70

36. WHERE DO THEY GO RIDING?

Sand	55.50%
Mountains	49.50
Snow	42.50
Off-Road Park	34.90
Desert	31.80
Swamp	28.10

37. DOES THE EDITORIAL INFLUENCE THEIR BUYING?

Yes	64.97%
No	35.02

38. DOES THE ADVERTISING INFLUENCE THEIR BUYING?

Yes	80.78%
No	19.21

39. DO THEY PLAN TO BUY A NEW ATV WITHIN THE NEXT SIX MONTHS?

Yes	48.24%
No	51.76

40. IF SO, WHAT SIZE WILL IT BE?

0-125	7.71%
126-185	29.98
186-200	13.28
201-250	47.00
250+	1.97

41. DO THEY DRINK BEER?

Yes	59.25%
No	40.74

42. IF SO, WHAT BRAND?

Budweiser	24.54%
Coors	19.97
Miller	17.19
Michelob	8.59
Pabst	5.68
Strohs	4.29
Oly	3.46

43. HOW DO THEY TRANSPORT THEIR ATV?

Full Size Truck	52.10%
Mini-Truck	20.60
Van	9.30
Trailer	39.90

44. WHAT BRAND OF PICKUP DO THEY OWN?

Chevy	36.44%
Ford	30.40
Toyota	8.35
Dodge	6.80
G.M.C.	6.25
Datsun	5.70
Jeep	3.29
VW	1.31

45. DO THEY CURRENTLY OWN A MOTORCYCLE?

Yes	41.03%
No	58.96

46. HAVE THEY EVER OWNED A MOTORCYCLE?

Yes	66.71%
No	33.28

Appendix 4

TABLE 9

3-WHEELER OWNER DEMOGRAPHICS

	Total	YT			KLT		ATC					
	n=809	125 75	175 75	200 75	200 75	250 64	70 75	110 75	185(S) 75	Big Red 75	200 70	250 75
Sex												
Male	84%	81%	85%	83%	81%	95%	69%	88%	79%	81%	87%	91%
Female	16	19	15	17	19	5	31	12	21	19	13	9
Age												
u/13	11	4	7	4	4	2	61	21	11	-	1	-
13-17	14	25	25	9	12	16	5	15	17	3	13	9
18-24	20	11	16	31	11	23	3	12	25	16	30	41
25-34	25	31	31	29	22	22	13	23	16	28	24	36
35-44	17	13	12	20	21	19	11	19	19	21	20	11
45/O 60	13	15	9	7	30	18	7	10	12	32	11	3
Employment												
Not Employed	31	33	36	15	37	27	71	33	36	23	19	13
Employed Part-Time	59	55	53	75	57	66	27	49	55	72	73	69
Employed Full-Time	10	12	11	9	5	8	3	17	9	5	9	17
Skilled Labor	37	42	38	25	32	36	45	40	29	31	49	40
Unskilled Labor	19	14	21	24	21	15	9	22	21	12	18	22
Farmer/Rancher	10	8	8	8	13	6	14	10	10	21	9	2
Self Employed/Prop.	8	10	6	11	13	9	-	6	10	10	4	8
Sales	6	2	8	10	-	2	5	4	8	9	9	9
Advtg/Mktg/Mgt./Fin.	5	8	-	2	6	11	9	6	4	5	4	6
All Other (Excl. Refused)	14	16	19	18	15	21	18	12	16	10	7	13
Marital Status												
Married	56	63	47	60	64	56	28	53	57	79	59	51
Single	41	37	48	36	31	39	71	47	41	16	39	43
All Other(Excl. Refused)	2	-	4	4	5	3	-	-	2	4	2	5
Household Income												
u/$10,000	2	3	-	3	5	5	-	1	1	-	4	3
$10-20,000	8	8	9	11	5	3	5	3	12	11	10	8
$20-30,000	19	20	20	21	13	14	20	21	16	19	23	18
$30-50,000	25	20	27	29	31	20	30	25	24	24	15	27
$50,000/O	15	15	7	11	16	14	13	13	15	19	21	22
DK/Refused	31	35	36	25	29	44	32	37	32	28	26	23
Education												
Some HS or less	31	37	33	20	27	27	75	41	36	11	16	13
Completed HS	33	29	36	36	25	25	11	27	37	37	47	49
Some college	26	29	21	23	35	34	8	17	19	39	30	31
Compl.Coll/Att-Compl. GS	10	3	10	21	13	14	7	15	8	13	7	7

TABLE 10

ADDITIONAL 3-WHEELER STATISTICS

	Total n=600	YT 175	YT 200	KLT 200	KLT 250	ATC 70	ATC 110	ATC 185(S)	ATC Big Red	ATC 200	ATC 250
	75	75	75	75	64	75	75	75	75	70	75
Other Type - 3-Wheelers in HH											
None	66%	73%	69%	75%	71%	77%	47%	69%	68%	56%	77%	47%
'82 ATC 185(S) Purch. New	6	-	3	3	4	3	20	9	5	4	3	9
Honda Non-specific	4	4	1	-	4	5	-	3	4	4	4	13
'81 ATC 185(S)PurchNew	3	-	3	1	-	2	8	-	3	7	-	11
'82 ATC 110 PurchNew	2	-	-	-	-	-	8	5	3	4	3	1
'82 ATC 250 " "	2	-	1	-	-	2	7	1	4	1	-	3
'82 Big Red " "	2	1	-	3	-	-	1	1	-	4	7	-
Other	2	-	4	-	3	3	1	1	7	-	-	5
All Other	25	31	27	24	23	22	39	15	27	29	17	24
Other Family Members Ride 3-Wheelers											
Adult 18 yrs +	75	81	77	79	79	67	72	76	69	79	79	71
Teen 13-17 yrs.	22	37	23	13	22	17	16	20	20	23	29	15
Child 6-12 yrs.	24	20	25	17	21	19	47	29	25	21	21	17
None	17	11	17	19	15	31	11	15	21	19	10	24
Other Vehicles(Besides Car) in HH											
Pickup Truck	79	77	71	77	81	80	79	76	81	91	74	84
Tractor	30	35	24	23	40	34	20	31	24	51	21	23
Off-Road Motorcycle	21	21	20	28	29	14	20	16	13	16	19	29
Sport,Jeep or Util. Vehicle	20	19	17	13	25	19	21	27	17	21	23	13
Street Motorcycle	16	7	13	21	19	19	13	9	13	20	17	24
Motorhome/RV	15	15	11	15	24	19	19	4	13	15	11	23
Van	15	16	17	12	12	20	16	20	11	13	17	12
Dual-Purpose Motorcycle	9	8	11	8	11	5	12	7	7	11	6	11
Dune Buggy	6	5	4	7	12	9	7	3	3	4	7	11
Snowmobile	4	3	5	1	4	13	1	3	3	7	6	1
Honda Odyssey	1	-	-	1	1	-	-	3	1	3	-	7

PUBLIC LAND AND OFF-HIGHWAY MOTORCYCLE STATISTICS By STATE

Excluding Alaska which is predominantly public land, just over one fifth (22%) of the total U.S. acreage, or 417 million acres, is public land managed by federal and state government. Of this 417 million acres, 87% is in the western states.

In 1982 an estimated 3.6 million motorcycles were used for off-highway recreational purposes. In 1982 the off-highway motorcycle industry generated an estimated $1.8 billion in consumer sales and services, and state taxes and licensing, of which $702 million is attributed to the retail sales of 473,000 new motorcycles.

1982 PUBLIC LAND AND OFF-HIGHWAY MOTORCYCLE STATISTICS BY STATE

State	Total Acreage	(1) Public Land Acreage Fed. Gov't.	State Gov't.	% of State	(2) 1982 Sales of New Mcs. Used Off-Hwy at Some Time	(3) Total Mcs. Used Off-Hwy At Some Time	(4) 1982 Est. Annual Economic Value Of Off-Hwy Retail Marketplace	Off-Hwy Mc. Penetration Off-Hwy Mcs. Per 100 Pop.	Off-Hwy Per 100 Public Acres
	(000)	(000)	(000)				($000)		
Alabama	32,678	1,122	48	3.6	9,500	66,800	32,530	1.7	57.1
Alaska	365,482	359,134	2,375	99.1	5,100	24,300	21,700	6.1	0.1
Arizona	72,688	32,014	28	44.1	10,100	60,900	40,090	2.2	1.9
Arkansas	33,599	3,358	44	10.1	13,500	62,700	54,400	2.7	18.4
California	100,207	46,702	1,045	47.6	59,300	442,700	246,140	1.9	9.3
Colorado	66,486	23,608	159	35.7	7,800	64,400	30,750	2.2	2.7
Connecticut	3,135	9	197	6.6	3,000	28,600	10,480	0.9	138.8
Delaware	1,266	41	38	6.2	800	6,400	2,770	1.1	81.0
District of Columbia	39	13	N/A	33.3	N/A	500	10	0.1	38.5
Florida	34,721	4,041	249	12.4	16,900	129,600	62,350	1.3	30.2
Georgia	37,295	2,277	52	6.2	10,500	90,800	33,040	1.7	39.0
Hawaii	4,106	661	25	16.7	N/A	N/A	N/A	N/A	N/A
Idaho	52,933	33,760	42	63.9	4,800	43,900	18,0[illegible]0	4.7	1.3
Illinois	35,795	607	336	2.6	14,500	125,800	52,[illegible]0	1.1	133.4
Indiana	23,158	497	54	2.4	9,300	90,300	33,400	1.6	163.9
Iowa	35,860	227	50	0.8	7,700	74,400	27,210	2.6	268.6
Kansas	52,511	733	31	1.5	5,500	47,300	20,870	2.0	61.9
Kentucky	25,512	1,414	40	5.7	5,200	49,000	16,640	1.3	33.7
Louisiana	28,868	1,099	31	3.9	18,100	118,700	73,900	2.8	105.8
Maine	19,848	135	69	1.0	3,200	18,900	11,420	1.7	92.6
Maryland	6,319	203	84	4.5	3,400	36,500	11,220	2.9	127.2
Massachusetts	5,035	80	254	6.6	4,600	38,400	16,190	0.7	115.0
Michigan	36,492	3,467	246	10.2	13,700	142,100	52,720	1.5	38.3
Minnesota	51,206	3,423	187	7.0	14,400	92,200	60,740	2.3	25.5
Mississippi	30,223	1,731	21	5.8	10,000	58,700	39,570	2.3	33.5
Missouri	44,248	2,196	97	5.2	9,600	74,300	38,720	1.5	32.4
Montana	93,271	27,741	46	29.8	3,900	35,400	15,480	4.5	1.3
Nebraska	49,032	712	133	1.7	4,900	42,700	19,320	2.7	50.5
Nevada	70,264	60,506	151	86.3	2,900	19,000	11,390	2.4	0.3
New Hampshire	5,769	722	71	13.7	2,400	17,100	8,090	1.9	21.8
New Jersey	4,814	152	272	8.8	6,600	54,200	23,090	0.7	127.8
New Mexico	77,766	25,874	73	33.4	3,700	29,800	13,250	2.3	1.1
New York	30,681	246	256	1.6	18,600	112,300	69,970	0.6	223.7
North Carolina	31,403	2,051	118	6.9	8,100	74,500	26,810	1.3	34.3
North Dakota	44,452	2,386	16	5.4	3,100	24,200	12,130	3.7	10.1
Ohio	26,222	345	198	2.1	13,200	124,400	46,150	1.2	229.1
Oklahoma	44,088	1,590	95	3.8	13,600	81,900	49,970	2.7	48.6
Oregon	61,599	32,314	90	52.6	8,800	67,800	33,210	2.6	2.1
Pennsylvania	28,804	733	279	3.5	15,700	135,200	59,730	1.1	133.6
Rhode Island	677	8	11	2.8	700	8,700	2,310	0.9	457.9
South Carolina	19,374	1,176	74	6.5	4,500	33,600	14,370	1.1	26.9
South Dakota	48,882	3,492	17	7.2	2,600	21,500	9,830	3.1	6.1
Tennessee	26,728	1,854	130	7.4	12,100	95,600	45,380	2.1	48.2
Texas	168,218	3,409	187	2.1	38,600	243,300	141,570	1.7	67.7
Utah	52,697	33,530	69	63.8	8,500	56,800	34,450	4.0	1.8
Vermont	5,937	296	157	7.8	1,500	9,100	5,720	1.8	20.1
Virginia	25,496	2,410	53	9.7	6,800	58,300	22,490	1.1	23.7
Washington	42,694	12,473	85	29.4	12,800	107,300	50,260	2.6	8.5
West Virginia	15,411	1,097	149	8.1	4,700	41,800	15,540	2.1	33.5
Wisconsin	35,011	1,868	71	5.5	12,000	80,800	46,270	1.7	41.7
Wyoming	62,343	30,330	123	48.8	2,600	19,700	10,040	4.2	0.6
U.S. Total	2,271,343	769,867	9,326	34.3	473,200	3,585,000	1,794,180	1.6	4.6

Note: Includes competition motorcycles and all-terrain vehicles.

Source: (1) Statistical Abstract of the United States 1982, U.S. Department of Commerce, Bureau of Census.

(2) Derived from MIC Manufacturers Shipment Reporting System, 1982 Annual Report.

(3) 1982 Estimated Motorcycle Population and Usage, Motorcycle Industry Council, Inc., Irvine, CA.

(4) Derived from "Economic Value of the Motorcycle Retail Marketplace," Page 11, 1983 Motorcycle Statistical Annual, Motorcycle Industry Council, Irvine, CA. The MIC 1982 Motorcycle Retail Outlet Profile Survey provided a new and more reliable information source to more accurately estimate the 1982 economic value of the motorcycle retail marketplace; therefore **no direct comparisons should be made with 1981 and subsequent year estimates.** Includes retail sales of motorcycles (new and used) and parts and accessories, dealer servicing, product advertising, vehicle financing charges, insurance premiums, dealer personnel salaries, state sales and dealer personal income taxes, and vehicle registration fees.

FOREST SERVICE LOOKS AT ATV'S

The Cannell Meadow Ranger District on the Sequoia National Forest (the folks that manage the Kennedy Meadows area) is currently looking at ways to manage ATV's in the forest. The first step in the process is trying to find out why ATV users take their machines to the Sequoia Forest. The Forest Service needs to know what the users need and want so they can try to provide riding opportunities and still prevent damage to the environment. Some of the information needed includes:

1. What do you look for when you go to the forest to ride?

    a. Type of facilities, campgrounds, etc.
    b. Type of riding desired, main roads, logging roads, jeep roads and trails.
    c. Need for challenging or difficult riding areas.

2. What types of machines do you use - size and number?

3. How do you travel?

    a. Type of group - club, family, friends, etc.
    b. Normal size of group.

4. What other equipment do you use - snowmobile, motorcycle, etc?

5. Why do yo' use an ATV?

If you would like to get involved in this early phase of planning, send comments to Tom Crimmins, Resource Officer, Cannell Meadow Ranger District, P.O. Box 6, Kernville, CA. 93238

BOB ANDERSON
Photojournalism
9225 Fairlawn Street Santee, CA 92071 (619)448-8428

February 13, 1984

Mr. Tom Crimmins
Resource Officer
Cannell Meadow Ranger District
P.O. Box 6
Kernville, CA 93238

Dear Mr. Crimmins,

This is in response to your letter that appeared in the March issue of ATV NEWS, page 21. I'll answer your questions by number.

1. I like to travel through a wide area, often parking my vehicle to hike to a local high spot for a better view of what I am passing through. As far as campgrounds go, all I need is pit toilets, some water and shade. A table is nice to have, but some kind of fireplace is even more important (conditions permitting). Logging roads, jeep trails and truck trails are all fun... I like to get out and go for several hour rides. While I don't use areas close to campgrounds, I do think it is nice to have something where the run-of-the-mill kid can ride around some kind of loop course, basically within sight of their folks, but far enough off to be easy on the ears of folks in the campground.

2. I've got three ATCs (90, 132 and 250R) in addition to a 70cc Mini Trail and 370cc on-off road bike.

3. I usually travel by myself or with my family (3).

4. Guess I answered that in #2, but I also own several other road motorcycles with which I often go camping and dirt road exploring.

5. Used to only use motorcycles but bought the wife and daughter ATVs and discovered what fun they are. While the women in my family arn't too good on a bike, they find the low speed stability they need in an ATV. Of course, down here, we use them in the desert sand a lot, but the ability of an ATV to traverse rocks, mud and streams at a slow, safe speed is a definite bonus. We used to have a 4WD, but the family would rather be out, each doing their own riding. Economically, owning and operating three ATVs is a better deal than a 4WD.

Sincerely,

Bob Anderson

Appendix 6

TITLE 7700 - TRANSPORTATION SYSTEM

7732.11 - Maintenance Level. Based on traffic management and use objectives, each road or road segment will be assigned one of the following maintenance levels each fiscal year. All system roads will be maintained to at least maintenance level 1.

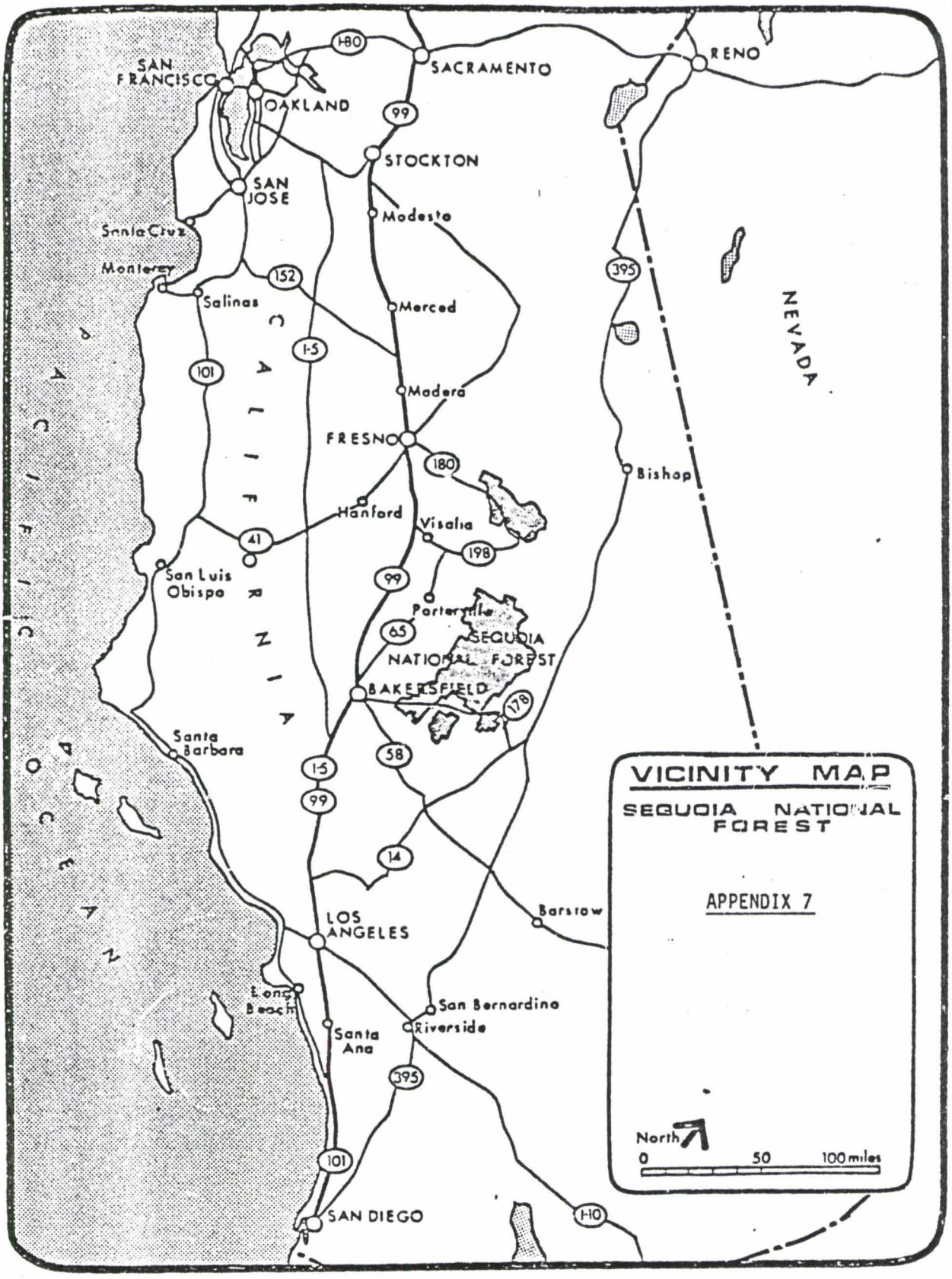
1. Level 1. This level is basic custodial care as required to protect the road investment and to see that damage to adjacent land and resources is held to a minimum. Level 1 maintenance requires an annual inspection to determine what work, if any, is needed to keep drainage functional and the road stable. This level is the normal prescription for roads that are not opened for traffic. Level 1 is to maintain drainage facilities and runoff patterns.

2. Level 2. This level is used on roads where management requires that the road be open for limited passage of traffic. Traffic is normally minor, usually consisting of one or a combination of administrative use, permitted use, or specialized traffic. Level 2 requires the basic care of level 1 plus logging out, brushing out, and restoring road prism as necessary to provide passage. Also, route markers and regulation signs are to be in place and usable.

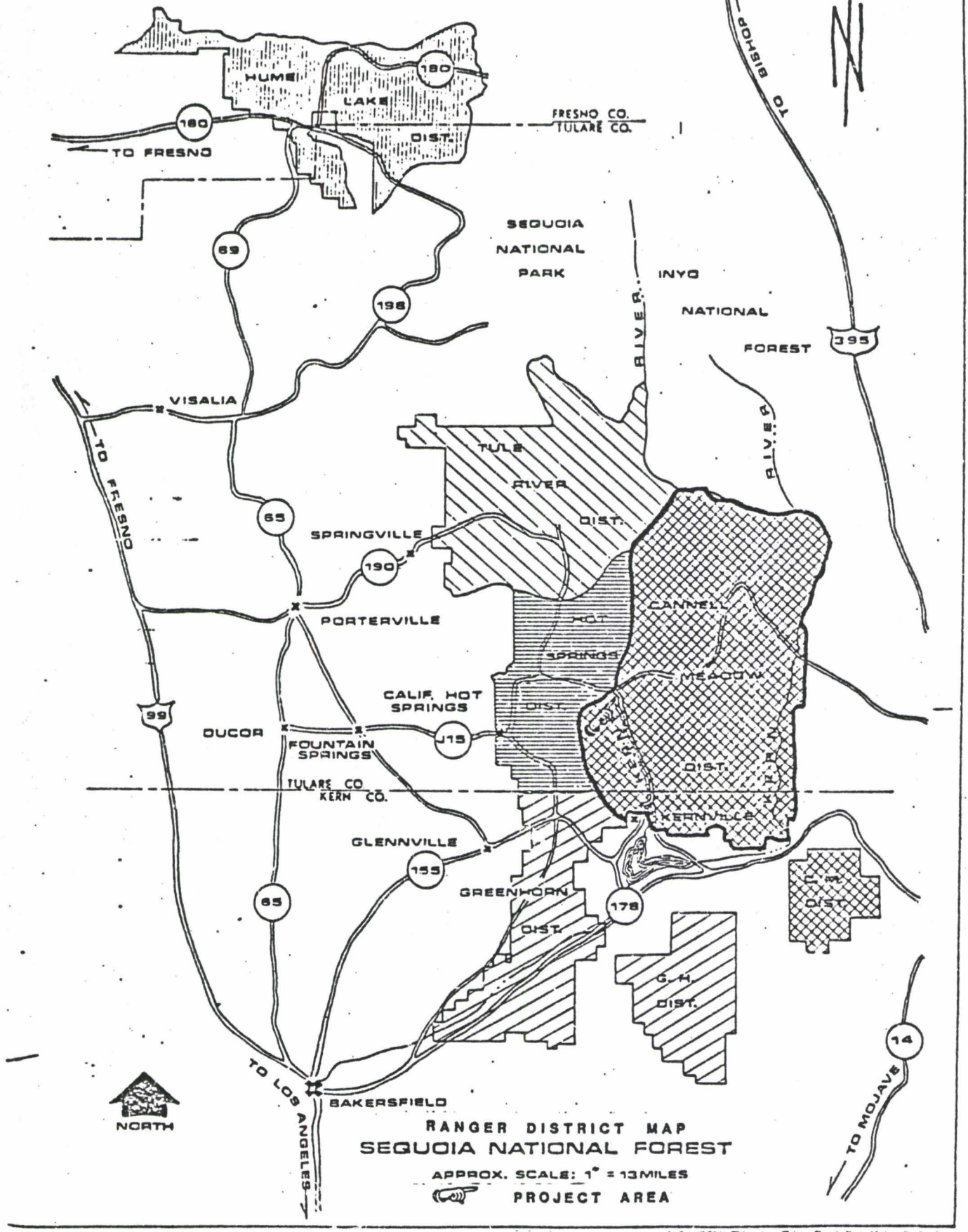
3. Level 3. This level is used on roads which are opened for public traffic and generally applies when use does not exceed 15 average daily traffic (ADT). ADT should be used as a guide in determining the level and not as a sole criterion. A road may receive only one or two vehicles a day for most of the year. However, during a brief period, such as hunting season, the road may receive 20 or 30 vehicles a day. Total traffic types and planned land use are important criteria for selecting the maintenance level. The road is to be maintained for safe and moderately convenient travel suitable for passenger cars.

4. Level 4. This level generally applies when use of a road is between 15 and 100 ADT (see comment concerning ADT under level 3). At this level, more consideration is given to the comfort of the user. These roads are frequently surfaced with aggregate material, but some routes may be paved because of limited aggregate sources and surface replacement cost factors.

5. Level 5. This level is generally maintained for use of 100 ADT and greater (see comment concerning ADT under level 3). Roads in this category include both paved and aggregate surfaces. Safety and comfort are important considerations. Abrupt changes in maintenance will be posted to warn travelers until deficiencies are corrected.


SAN FRANCISCO
OAKLAND
SACRAMENTO
RENO
STOCKTON
SAN JOSE
Modesto
Santa Cruz
Monterey
Salinas
Merced
Madera
FRESNO
Bishop
Hanford
Visalia
San Luis Obispo
Porterville
SEQUOIA NATIONAL FOREST
BAKERSFIELD
Santa Barbara
Barstow
LOS ANGELES
Long Beach
San Bernardino
Riverside
Santa Ana
SAN DIEGO
NEVADA
CALIFORNIA
PACIFIC OCEAN
180
99
152
395
1-5
101
41
198
65
178
58
14
1-10
VICINITY MAP
SEQUOIA NATIONAL FOREST
APPENDIX 7
North
0
50
100 miles

APPENDIX 7



RANGER DISTRICT MAP
SEQUOIA NATIONAL FOREST

APPROX. SCALE: 1" = 13 MILES

PROJECT AREA

MINNESOTA

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

MISSISSIPPI

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

MISSOURI

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

MONTANA

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

NEBRASKA

OFF-HIGHWAY MOTORCYCLE REGULATORY AUTHORITY:

60-2106. The State of Nebraska or any department, board, or commission thereof, or governmental subdivision thereof, is hereby authorized, in its respective jurisdiction, to enact regulations permitting, prohibiting, and controlling the use of motor vehicles and minibikes, motorcycles, and off-road recreation vehicles of any and all types, other powered vehicles, or any vehicle not self-propelled. Any person who shall operate any of such vehicles without the permission of the appropriate governmental entity, or in a place, time, or manner which has been prohibited by such entity, shall be guilty of a Class III misdemeanor. Such governmental entity may further authorize the supervising official of any area under its ownership or control to permit, control or prohibit operation of any motor vehicle or minibike, motorcycle, off-road recreational vehicle of any or all types, other powered vehicle or any vehicle not self-propelled on all or any portion of any area under its ownership or control at any time by posting or, in case of an emergency, by personal notice. Any person operating any such vehicle where prohibited, where not permitted, or in a manner so as to endanger the peace and safety of any such area shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in this section.

(Nebraska Revised Statutes, Section 60-2106)

NEVADA

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

NEW HAMPSHIRE

DEFINITIONS:

215:A-1. "Off-highway recreational vehicle" means any mechanically-propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or show or not, where the operator sits in or on the vehicle. All legally registered motorized vehicles when used for off-highway recreational purposes shall fall within the meaning of this definition, provided that, when siad motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes. For purposes of this chapter, "off-highway recreation vehicle" shall be abbreviated as OHRV.

"Trail cycle" means any motor-driven two or three-wheel vehicle on which there is a saddle or seat for operator or passenger or both and the motor of which is over five horsepower and the distance between axles or hubs is in excess of forty-five inches and the wheels of which are over fourteen inches in diameter, but excluding the motorcycle that is registered and has passed inspection for highway use.

"Mini-cycle" or "motor-driven cycle" means every motorcycle which meets any of the following criteria:

(a) The wheel rim is less than a ten-inch wheel rim size (measure rim only, not tire).
(b) The wheel base is less than forty inches (to be measured from center of hub to center of hub).
(c) The engine is less than forty-five cubic centimeters.
(d) The seat is less than twenty-five inches high (height to be measured from the ground to the lowest point on the top of the seat cushion without a rider).

POWERS OF THE BUREAU OF OFF-HIGHWAY RECREATIONAL VEHICLES:

215-A:3. (1) The Bureau of Off-Highway Recreation Vehicles shall have the responsibility to provide coordination between the Department of Resources and Economic Development, the Fish and Game Department, the Department of Public Works and Highways with respect to matters pertaining to OHRV's.

(2) In addition, this Bureau shall administer the funds provided the Department of Resources and Economic Development for the OHRV program; act as liaison between landowners and OHRV users; work with organized clubs in the support of the OHRV sport; supervise the production of publications produced by the Department of Resources and Economic Development relating to regulations and information on trails; maintain up-to-date information and data relative to new OHRV machinery, equipment, national standards and safety and assist where required in any training programs that may be established.

(3) The Bureau shall be further responsible for coordinating efforts in obtaining easements and right-of-ways, and in establishing trails and trail facilities; and any other similarly related tasks that may be required as a responsibility of the Department of Resources and Economic Development in relation to OHRV's.

(4) The Bureau shall also have the responsibility to make or participate in a continuing study of the effect that OHVR operation has on the environment. If other state agencies are involved in an overall study of this nature, the Bureau shall cooperate with such agencies, and maintain a record of all findings that pertain to OHRV's.

(5) The Chief Supervisor of the Bureau in the interest of safety may adopt such rules he deems necessary for the use and control of OHRV trails, facilities, and lands under Bureau control or lease. These rules and regulations shall be printed in any guide books published and posted at proper locations throughout the Bureau trail system. A person who fails to observe these rules and regulations shall be subject to the same penalties provided for other sections of this chapter.

(6) The Supervisor of the Bureau shall receive all written requests from persons applying for permission to establish a highway crossing on any Class I, Class II, or Class III highway for any OHRV trail. The requests shall be submitted to the Commissioner of the Department of Public Works and Highways or his representative for the Department's approval or disapproval. If approval is granted, the Commissioner of the Department of Public Works and Highways may post the area with appropriate signs designating the location of the trail crossing and providing signs for both sides of the highway at an appropriate distance from the crossing to warn the motoring public of said crossing.

(7) The State Treasurer shall keep all money appropriated to the Department of Resources and Economic Development for the Bureau from the registration of off-highway recreational vehicles in a special fund to be known as the OHRV Fund. At the close of each fiscal year, any unexpended balance shall be carried forward and added to the appropriation for the subsequent year.

(8) The Bureau may make application to the Commissioner of Public Works and Highways for a permit in writing to allow OHRVs to operate on or across certain bridges of Class I, II, and III highways when such operation is necessary for gaining access to events being developed or held in conjunction with established OHRV club activities. The Commissioner of Public Works and Highways may issue or deny such permits. A permit shall specify the type of OHRVs to be allowed, the permitted dates and hours of operation, and shall require the Bureau to erect and maintain all signs required under the terms of the permit. Any person operating an OHRV on or across a bridge under this paragraph shall do so at his own risk. Said person shall keep to the extreme right side of the bridge, travel at a speed not to exceed 10 miles per hour and shall yield to all oncoming vehicular traffic.

OPERATION ON HIGHWAYS:

215-A:9. The provisions of RSA 249-52 shall apply to all OHRVs as herein defined with the following exceptions:

(1) Highway crossings for established OHRV trails may be granted pursuant to RSA 215-A:3.
(2) No direct crossing of interstate highways or toll roads will be permitted.
(3) No direct crossings of limited-access highways, except those highways designated as controlled access highways by the Commissioner of the Department of Public Works and Highways will be permitted.
(4) In operating OHPVs within the rights-of-way adjacent to certain highways between points of loading or unloading and areas of OHRV operations, as provided in RSA 249:52, the one-way distance travelled in such public right-of-way shall be not greater than 500 feet and OHRV speed shall not exceed 15 miles per hour.
(5) Pursuant to 215-A:3 (6), the Commissioner of the Department of Public Works and Highways may issue written permission to the Supervisor of the BOHRV to establish OHRV trail crossings either under or over interstate, toll or limited access highways.

OFF-HIGHWAY RECREATIONAL VEHICLE NOISE:

215-A:12. No person shall operate an OHRV, excluding snow-travelling vehicles, manufactured after January, 1973, which produces a sound level in accordance with the Motorcycle Industry Council sound test procedures:

(a) From January 1, 1975 to December 31, 1974, of eighty-eight decibels or more on the "A" scale.
(b) From January 1, 1975, to December 31, 1982, of eighty-six decibels or more on the "A" scale.
(c) After January 1, 1983, of seventy-eight decibels on the "A" scale.

(4) No person shall modify the manufacturer's specified exhaust system of any OHRV in any manner which will increase or amplify the noise emitted above that emitted by the original muffler.

EQUIPMENT STANDARDS:

215-A:14. (a) An OHRV shall be equipped with at least one, but not more than two headlights, one or more rear taillights, approved by the Executive Director of the Fish and Game Department, and all in working order, and shall have adequate brakes in good working order sufficient to control the said vehicle at all times that the said vehicle is in use. The brakes must be capable of stopping the said vehicle within forty feet at twenty miles per hour, and/or locking the wheels or track to a standstill.

-HIGHWAY-REGISTERED OHMS-

263.93. Any OHRV or trail-cycle as defined by RSA 269-C:1, 6 and 14, respectively, which is also registered for use on the highways of the state shall comply with all OHRV regulations concerning safety equipment, sound emission levels, spark arrestors as well as all other requirements pertaining to the registration of motor vehicles.

263.94. For OHRVs and trail-cycles registered for use on the highways directional flashers shall not be required unless said vehicle had this equipment installed as original equipment by the manufacturer.

263.95. OHRVs and trail-cycles with knobby pattern tires, which have been registered for highway use, shall be permitted on all highways within the state except interstate highways.

REGISTRATION AND RECREATION FUNDING:

215-A:21. Except as otherwise provided, no OHRV shall be operated in the state unless registered as provided in this chapter. No registration shall be required for an OHRV operated solely on land owned or leased by the owner of the OHRV. The Executive Director of the Fish and Game Department or an official of another state agency designated by the Executive Director is authorized to register an OHRV, issue a registration certificate, and assign a registration number of such vehicle. All such registrations shall expire October 1 in each year. The Executive Director shall collect a fee for each registration as provided in RSA 269-C:18.

215-A:23. The fees to be collected under this chapter are as follows:

(1) Individual resident registration - $11 for each registration upon presentation of resident tax receipt, or tax receipt of parent or guardian.
(2) Individual non-resident registration - $17 for each registration.
(3) Dealer registration - $12 for each plate or set of plates; rental plates - $12 for each plate or set of plates.
(4) Registration after transfer as provided in RSA 260-C:17 is $4.
(5) From each registration fee collected pursuant to paragraphs 1 through 4, distribution shall be as follows:

(a) The first two dollars and 45 percent of the balance shall be appropriated to the Department of Resources and Economic Development for administration of the Bureau of Off-Highway Recreation Vehicles, for the following:

1. Publications.
2. Trails.
3. Easements and rights-of-way.
4. OHRV facilities.
5. Grants-in-aid to organized non-profit OHRV clubs and political subdivisions for the construction and maintenance of OHRV trails and facilities. The Bureau shall make grants on such terms as it deems necessary and shall determine what trails and facilities shall be eligible. All trails and facilities developed and maintained under this grants-in-aid program shall be open to the general public.
6. For such other purposes as may be budgeted within the limits of the funds available.
7. Two dollars of the amount collected from each individual registration fee shall be used by the Bureau for its grants-in-aid program. These funds shall be kept in a separate account and shall not be used for any other purpose. An unexpended balance in said account shall not lapse, but shall be carried forward to the next fiscal year.

(b) 55 percent of the balance (after deduction of the $2.00 authorized above) shall be appropriated to the State Fish and Game Department for the following, provided, however, that no more than 15% of such balance shall be appropriated for the purposes of subparagraph 5 below:

1. Enforcement of the provisions of RSA 269-C.
2. Establishment of training programs in the operation, safety, regulations, equipment maintenance, and other related matters pertaining to the OHRV.
3. Such other purposes as may be budgeted within the limitations of the funds available.
4. The Executive Director of Fish and Game shall be responsible for law enforcement under this chapter.
5. The Executive Director shall provide for OHRV registration.

(6) Any excess registration fees collected and not appropriated shall be non-lapsing and shall be retained by the OHRV program for future use.

265:29-A. (1) Annually on or before June 30 the state treasurer shall transfer, from road tolls collected, an amount equal to the number of licensed off-highway recreational vehicles for the previous year times $3, less any amount refunded for OHRV use for the previous year, to the BOHRV of the Department of Resources and Economic Development. The Bureau shall use 50 percent of the amount credited for grants under its grants-in-aid program, and 50 percent for general operating expenses and expenses incurred in administering and supervising the grants-in-aid program. Any balances in the funds hereby transferred shall not lapse at the end of the fiscal year but shall remain in the OHRV fund.

(2) The Bureau's grants-in-aid program shall bear the expenses of the following:

(a) A liability insurance policy for the benefit of the landowners who allow snowmobilers to use their property, and
(b) A liability insurance policy for the benefit of landowners who lease their land to the state for use by snowmobilers.

REGISTRATION OF DEALERS:

215-A: 26. (a) Any person who is in the business of selling OHRVs shall register as a dealer with the Executive Director of Fish and Game. The Executive Director shall assign a distinguishing number to the registrant and issue appropriate registration plates to him. The dealer may use the plates for his pleasure purposes, but shall not rent or otherwise permit these plates to be used except for demonstration purposes in connection with his business.

MINIMUM AGE TO OPERATE - SAFETY TRAINING:

215-A:29. (1) No person under twelve years of age shall operate an OHRV unless he is on land owned or leased by his parents or guardians, or unless he has the permission of the landowner on whose premises he is operating, or unless he is accompanied by a person eighteen years of age or over who has assumed the responsibility, and who shall be liable according to law for personal injury or property damage to others which may result from such operation.

(2) A person will not need a license to operate a snow-traveling vehicle or OHRV unless he operates upon or across a public highway or any portion thereof, in which case, said person must be at least 16 years of age and be licensed to operate a vehicle in accordance with the provisions of RSA 261.

(3) Notwithstanding the provisions of this section, any operator holding a certificate of competence from an approved training course authorized by the State of New Hampshire may operate an OHRV, except on or across a public highway.

(4) Beginning January 1, 1982, a person who is at least 12, but less than 16, years of age, may operate an OHRV if one of the following conditions exists:

(a) The person is under the direct supervision of a person who is 18 years of age or older;
(b) The person has in his or her immediate possession an OHRV safety certificate issued pursuant to RSA 215-A:29(3);

(5) The person is on land owned, or under control of, his or her parent or legal guardian.

(6) OHRV safety training shall be established within the OHRV budget of the New Hampshire Fish and Game Department as referred to in RSA 215-A:23(5)(b)2.

(7) No OHRV shall be operated above a height of 4,000 feet above sea level except upon existing roads and trails as designated by the Bureau of OHRVs.

COMPETITIVE EVENTS:

215-A:30. Any person who wishes to operate or to promote any snow-traveling vehicle or OHRV race or contest, shall procure a permit from the Executive Director. A fee

of 50 dollars shall accompany the application. Participants in said racing meet or contest will not be required to register in New Hampshire, but shall operate under the provisions of the permit. Any such applicant who is not registered in New Hampshire shall not operate away from race course or contest area specified in the permit. The permit shall not be valid for a period of more than 5 days. Distribution of any fees collected under this section shall be in accordance with the provisions of RSA 215-A:23.

OFF-ROAD VEHICLE TRAILS:

215-A:31. All trails under the jurisdiction of the Department of Resources and Economic Development so far as possible and consistent with their primary functions, shall be made available for use by OHRVs subject to the fees, rules, and regulations as established by the Director of the Division of Parks and the Division of Resources with the approval of the Executive Director of Resources and Economic Development.

POWERS OF THE DEPARTMENT OF FISH AND GAME:

215-A:32. (1) Except as provided in RSA 215-A:9 and 215-A:10, the Executive Director is authorized to adopt and amend such rules, regulations, and administrative procedures which are consistent with the provisions of this chapter that he deems necessary or advisable to carry out the intent and purposes of this chapter with regard to:

(a) Equipment requirements;
(b) Registrations;
(c) Classification;
(d) The safety of operators, passengers, and other persons; and
(e) The protection of property.

REFUND OF FUEL TAX:

265:19. (1) Any person who shall use any motor fuel, with respect to which the road toll herein imposed has been paid, in any way other than in motor vehicles for the purpose of generating power for the propulsion thereof upon the public highways, or any city, town, county farm, school district or village district which shall use any motor fuel in its own vehicles, or any dealer who shall make sales specified in RSA 265:4(a), (b), and (c), shall be entitled to a refund to the extent of the amount of said tolls so paid, with respect to such motor fuel. The right to receive any refund under the provisions of this section shall not be assignable and any assignment thereof shall be void; provided, however, members of an organized club for snow-traveling vehicles may assign individual rights to a refund under this section to their respective clubs for the expansion and maintenance of club trails. With the exception of refunds made to snow-traveling vehicle clubs, no payment of any refund shall be made to any person other than the original person entitled thereto using or selling motor fuel as hereinabove in this section set forth.

(New Hampshire Revised Statutes, Chapter 215-A; HB 193, Laws 1981).

NEW JERSEY

NO OFF-HIGHWAY MOTORCYCLE LEGISLATION.

NEW MEXICO

OFF-HIGHWAY MOTORCYCLE DEFINITION:

66-3-1002. "Motorcycle" or "off-highway motorcycle" means any motorcycle operated or used exclusively off the highways of this state.

OHV REGISTRATION:

66-3-1003. (a) Unless exempted from the provisions of the Off-Highway Motorcycle Act (66-3-1001 to 66-3-1006 NMSA 1978), no person shall operate a motorcycle which is to be operated or used exclusively off the highways of this state unless the motorcycle has been registered in accordance with the Off-Highway Motorcycle Act and the regulations of the Division of Motor Vehicles adopted pursuant thereto.

66-3-1004. The fee for registration of an off-highway motorcycle is two dollars fifty cents ($2.50) for each motorcycle, and the registration shall be good for two years after the year in which the motorcycle is registered. Each registration must be renewed every three years to be valid.

66-3-1005. The provisions of the Off-Highway Motorcycle Act (66-3-1001 to 66-3-016 NSMA 1978) for registration shall not apply to off-highway motorcycles:

(a) owned and operated by any agency or department of the United States, the state of New Mexico, or any political subdivision of the state;
(b) operated exclusively on lands privately held by the motorcycle owner;
(c) owned by nonresidents of New Mexico; provided that the use in this state shall not exceed fifteen days, and provided further, that the use is not on a rental basis;
(d) brought into this state by manufacturers or distributors for wholesale purposes and not used for demonstrations; or
(e) which are in the possession of dealers as stock-in-trade, and not used for demonstration purposes.

DEALER'S REGISTRATION:

66-3-1009. (a) Any person, dealer, or distributor selling any off-highway motorcycles to the public, either retail or wholesale, shall purchase from the division a dealer demonstration certificate for each off-highway motorcycle used as a demonstrator on any lands not owned by the dealer. The division shall adopt regulations providing for the form and use of these demonstration certificates.

(b) Dealer demonstration certificates shall be issued on a calendar year basis to any bona fide motorcycle dealer and shall be valid for any off-highway motorcycle as provided therein. The fee for these certificates shall be five doliars ($5.00) for each of the first three certificates issued in the name of a dealer and a fee of one dollar ($1.00) for each additional certificate.

OPERATOR LICENSE NOT REQUIRED:

66-3-1010. Drivers of off-highway motorcycles shall not be required to be licensed.

OPERATION ON HIGHWAYS:

66-3-1011. (a) No person shall operate an off-highway motorcycle on any limited access highway or freeway at any time.

(b) Off-highway motorcycles may cross streets or highways if the crossings are made after coming to a complete stop prior to entering the roadway. These motorcycles shall yield the right-of-way to oncoming traffic and shall begin a crossing only when it can be executed safely and then crossing in the most direct manner, as close to a perpendicular angle as possible.

66-3-1012. Off-highway motorcycles issued a plate pursuant to Section 66-3-1003 NMSA 1978 may be moved, by nonmechanical means only, adjacent to a highway, in a manner so as not to interfere with traffic upon the highway, only for the purpose of gaining access to, or returning from areas designed for the operation of off-highway motorcycles, when no other route is available.

(New Mexico Statutes,
Section 66-3-1002)